
Sec. 117-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which no longer identifies or advertises a bona fide business, lesser, service, owner, product, or activity, and/or for which no legal owner can be found.

Abuse means any action that does not follow good arboricultural practices. The term "abuse" also includes damage inflicted upon roots by machinery, changing the natural grade above the root system or around the trunk, changing drainage patterns around the tree, destruction of the natural shape of the tree or any action which causes infection, infestation or decay.

Abutting means making contact with or separated only by public thoroughfare, railroad, public utility right-of-way or navigable waters.

Accessory farm building means an accessory building used to shelter farm animals (excluding household pets).

Accessory structure means any subordinate building located on the same lot as the principal building containing a use which is incidental to that of the principal building.

Accessory use means a use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.

Addition means a physical enlargement of an existing structure.

Address sign means identification numbers only, whether written or in numerical form.

Adult use — body painting studio means an establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of specified anatomical areas.

Adult use — bookstore means a building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film or any other audio or visual media if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult use — cabaret means a building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas.

Adult use — companionship establishment means a companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — conversation/rap parlor means a conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — health/sport club means a health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — hotel or motel means adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult use — massage parlor, health club means a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — mini-motion picture theater means a building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age, or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult use — modeling studio means an establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Adult use — motion picture arcade means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult use — motion picture theater means a building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult use — novelty business means a business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

Adult use — sauna means a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult use — steam room/bathhouse facility means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult uses includes adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.

(1) *Specified anatomical areas.*

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast below a point immediately above the top of the areola; and

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- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (2) *Specified sexual activities.* Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct:
- a. Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;
 - b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
 - d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
 - e. Situations involving a person, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons;
 - f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being;
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation.

Adult uses — accessory means a use, business, or establishment having ten percent of its stock in trade or floor area allocated to, or 20 percent of its gross receipts derived from movie rentals or magazine sales.

Adult uses — principal means a use, business, or establishment having more than ten percent of its stock in trade or floor area allocated to, or more than 20 percent of its gross receipts derived from, any adult use.

Advertising device sign means a sign that has as its purpose to promote, advertise, or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

Agricultural use means the use of land for the production of food or fiber, their storage on the area, and/or the raising thereon of domestic pets and domestic farm animals.

Agricultural uses means those uses commonly associated with the growing of produce on farms. These include: Field crop farming, pasture for hay, fruit growing, tree, plant, shrub or flower nursery without building, truck gardening, and livestock raising and feeding, but not including fur farms, commercial animal feedlots and kennels.

Alley means a public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Alter means to change the appearance or function.

Alternative energy system means a wind energy conversion system (WECS), a solar energy system, or a ground source heat pump system.

Amortization means the establishment of a time schedule over which the cost of an investment is depreciated.

Animals, domestic farm, means horses, cattle, sheep, ducks, chickens, geese, rabbits, pigeons, goats, hogs, bees, turkeys.

Animals, domestic pets, means dogs, cats, birds and other commonly known house pets.

Antenna means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment means a room or suite of rooms which is designed for, intended for, or occupied as a housekeeping unit and is equipped with cooking facilities.

Applicant means a person who is applying for a license, certification or permit as required by this chapter. The term "applicant" also means that person's agents, employees, and others acting under this person's direction.

Approval means written approval pursuant to a duly executed application for approval made on a form promulgated by the city.

Area identification sign means a freestanding or wall sign which identifies a single-family or multifamily residential subdivision, a commercial development or an industrial park or office park and which is located on the same parcel as the development it identifies.

Armstrong Boulevard Interchange Overlay District means a district for purposes of allowing additional signage in a specified area, described as all commercially zoned property located within 750 feet of the Centerline of Highway 10 and extending to the Centerline of Traprock Street and extending to the Centerline of Llama Street. Parcels located within The COR District are exempted from this overlay district, as sign regulations for that district are located in a separate section of City Code.

Ash means the incombustible material that remains after a fuel or solid waste is incinerated.

Attached townhouse means structures housing three or more dwelling units contiguous to each other only by the sharing of one or more common walls; such structures are of the back-to-back or row-house type as contrasted to multiple dwelling apartment structures.

Attraction board manual (changeable copy sign) means a sign on which the copy is changed manually.

Auto salvage. See *Vehicle wrecking yard*.

Awning means a hood or cover which projects from the wall of a building.

Banner means a sign made of fabric or non-rigid material with no enclosing framework.

Base flood elevation means the elevation of the "regional flood". The term "base flood elevation" is used in the flood insurance study.

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Bay means cantilevered area of room.

Bench sign means a sign which is affixed to a bench.

Berm means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Best management practices (BMPs) means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. (Refer to the current versions of the Minnesota Pollution Control Agency's publications, "Protecting Water Quality in Urban Areas," and "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands," the United States Environmental Protection Agency's, "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," and the state department of transportation's, "Erosion Control Design Manual" for suitable BMPs.)

Billboard means a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot or parcel where such sign is displayed.

Block means a tract of land bounded by streets, or a combination of streets, parks, cemeteries, railroad right-of-way, shorelines, waterways, or corporate boundary lines of the city.

Bluff means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the water body;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above ordinary high water level average 30 percent or greater; and
- (4) The slope must drain toward the waterbody.

Bluff impact zone means a bluff and land located within 20 feet from the top of a bluff.

Bluff line means:

- (1) A line along the top of a slope connecting the points at which the slope of land becomes more than 12 percent. This applies to those slopes within the land use district which are beyond the setback provisions from the ordinary high water level; or
- (2) The line which generally follows the river bank where the slope changes from steep (more than 12 percent) to less than 12 percent).

Board means the board of adjustment established by this chapter.

Boathouse means a structure designed or used solely for the storage of boats or boating equipment.

Boulevard means that part of the property not covered by sidewalk or other paving, lying between the property line and the curblin of any street. In the absence of a curb, the curblin of a street shall be deemed to be the edge of that portion of the public right-of-way maintained and open to the use of the public for purposes of public travel.

Buffer means a protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. The width of a buffer strip is the width along each bank of a stream. Therefore a 30-foot-wide stream with 100-foot buffer strips has a total width of 230 feet. Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation. Alteration of such areas is strictly limited. Buffer areas are designated with permanent signs. Refer to the Ramsey Tree Book and Minn. Rules ch. 6216 for a list of exotic, prohibited, regulated, unlisted and unregulated plant species. Buffer widths in the city are defined in the Wetland Buffer, Shoreland Protection and River Corridor ordinances found in this Code.

Buffer area means the outer area of a site where the site activity is screened, distanced, or muffled from adjacent land uses. At a minimum the buffer area must be consistent with the intent of Minn. Stats. § 473.823, subd. 3.

Buildable area means the area of a lot remaining after minimum yard, open space requirements have been met and after lowland, wetland, or steep slopes are taken into account.

Building means any structure, with the exception of enclosed trailers with or without axles, having a roof which may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

Building height means a distance to be measured from the mean ground level to the highest point of a flat roof, or average height of the highest gable of a pitched or hip roof.

Building-integrated solar energy system means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or

structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

Building line means:

- (1) The line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions; or
- (2) A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Business means any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Business directory sign means a sign which identifies the names of the specific businesses located in a shopping center or business or industrial park and which is located on the parcel of the center so identified.

Business incubator/multitenant facility means a commercial or industrial development consisting of two or more separate units or suites sharing a common building and/or parking area.

Business sign means a sign relating in its subject matter to the parcel on which it is located, or to products, accommodations, services or activities on the parcel on which it is located.

Butt lot means a lot at the end of a block and located between two corner lots.

Caliper means the diameter, in inches, of the trunk of a tree taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

Campground means an area accessible by vehicles and containing campsites or camping spots for tents and trailer camping.

Canopy means a permanent roof-like structure of rigid materials.

Canopy coverage means the horizontal extension of a tree's branches in all directions from its trunk.

Carport means an automobile shelter open on one or more sides, and shall be considered an accessory building.

Cellar means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Certified arborist means any person holding a valid and current arborist certification as issued by the International Society of Arboriculture (ISA).

Certified forester means any person holding a valid and current forester certification as issued by the Society of American Foresters (SAF).

CFR means the Code of Federal Regulations.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

City plan means a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs.

City tree policy means a manual, developed and maintained by the city, which contains the standards and specifications for sound arboricultural practices, techniques and procedures which shall be applicable to all public trees in the city. This includes but is not limited to tree selection, planting, pruning, alteration, treatment, protection, and removal.

Clear-cutting means the removal of an entire stand of vegetation or trees.

Clearing means the removal of vegetation from a property, whether by cutting or other means.

Clinic means any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

Closed loop ground source heat pump system means a system that circulates a heat transfer fluid, through pipes or coils buried beneath the land surface or anchored to the bottom of a body of water.

Club means any establishment operated for social, recreational or educational purposes but open only to members and not the general public.

Commercial use means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commercial wireless telecommunication services means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Communication antenna or tower, height, means the height of a freestanding communication antenna or tower is determined as the distance from ground level to the highest point on the tower, including the antenna.

Communication antenna or tower, roof- or wall-mounted height, means the height of a communication antenna that is mounted on a roof or wall shall be measured from the point where the base of the antenna and its supporting structure appends to the roof or wall to the highest point of the supporting structure, including the antenna.

Communication tower, guyed, means a tower that is supported, in whole or in part by wires and ground anchors.

Communication tower, lattice or self-support, means a tower that has three or four sides of open-framed steel supports.

Communication tower, monopole, means a tower consisting of a single pole, constructed without guyed wires and anchors.

Community forest means the collection of trees, shrubs, other vegetation and associated natural features that make up the city tree canopy and its growing zone.

Community forestry means the ecology of native and non-indigenous plantings creating a forest in the human living environment, and emphasizing the practice of wise professional planned management of all tree resources within an urban area. This would include trees in public streets, public areas, and on private property to provide for multiple use benefits for the general well-being of the entire community.

Community forestry program means all of those city resources, time and efforts directed toward the development and maintenance of a safe, healthy, aesthetically pleasing and fully stocked population of public trees.

Comprehensive plan means a computation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in Minn. Stats. § 462.352, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

Construction equipment trailer/field office means a mobile trailer or structure used for equipment storage or as a field office for contractors and subcontractors, which is not open to the general public.

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry of any substance which may be deleterious to the public health and/or the quality of the water into the public storm water system, waters of the state, or waters of the United States.

Cosmetic cleaning means cleaning done for cosmetic purposes to the exterior of buildings, motorized vehicles, parking lots, recreational vehicles or similar activity. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

Covenant means a contract between two individuals which constitutes a restriction of a particular use of land.

Coverage means that portion of a lot covered by principal and accessory use structures, and may include impervious surfaces if it is so indicated in the individual zoning districts.

Crown means the leaves and branches of a tree or shrub; the upper portion of a tree from the lowest branch on the trunk to the top.

Crown cover means the ratio between the amount of land shaded by the vertical protection of the branches and foliage area of standing trees to the total area of land, usually expressed as percentage.

Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Density means a number expressing the ratio of dwelling units to an acre of land.

Design standards means the specifications to landowners or subdividers for the preparation of subdivisions, preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Designated haul road means shall mean any public road or street which has been officially designated (as hereinafter provided) as a "haul road," and over which materials from any source are hauled, of the kinds and for the purposes listed in this definition, to points within geographic limits of the site or to points outside those limits if use of the material outside such limits is required.

- (1) Soil or other material for embankment construction;
- (2) Sand, gravel or other material for backfill;
- (3) Sand, gravel, or crushed rock for base or surfacing courses;
- (4) Aggregates for bituminous surfacing, including the hauling of bituminous mixtures from the mixing plant;
- (5) Aggregates for concrete base or pavement, including the hauling of concrete batches from batch plants; and
- (6) Bituminous materials and Portland cement for paving mixtures.

Designee means the person designated by the city to carry out specific duties outlined in this chapter.

Detached townhouse means a townhouse that does not share any common walls with the neighboring unit. Detached townhouses are also referred to as villas, cottage homes, or bungalows and are defined by their association-maintained status and commonly-held yards.

Developer means the owner of the land or person who is the applicant for alteration of the land and includes a person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

Development means the construction, installation or alteration of any structure, the extraction, grading or filling, clearing or other alteration of terrestrial or aquatic vegetation, land or the course current or cross section of any water body or watercourse or the division of land into two or more parcels.

Development activity means any alteration of the natural environment that requires the approval of a development or site plan and issuance of a development permit. Development activity shall also include the thinning or removal of trees from any undeveloped land, including that carried out in conjunction with a forest management program, and the removal of trees incidental to the development of land or to the marketing of land for development.

Development agreement means an agreement between the subdivider and the city that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

Development regulations means the adopted regulations provided for the subdivision and development of real property within the city, as amended from time to time by the city.

Diameter at breast height (DBH) means the diameter of a tree at a height of 54 inches above the ground.

Directional or instructional sign means a sign providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to those signs identifying restrooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility but not including those signs accessory to parking areas.

Discharge means the conveyance, channeling, runoff, or drainage, of stormwater, including snowmelt, from a construction site.

Disposal facility has the meaning given it in Minn. Stats. § 115A.03, subd. 10.

District means:

- (1) A section of the city for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein; or
- (2) A specific zoning district as defined in the zoning ordinance.

Domestic sewage means sewage that might be generated by a dwelling; a toilet facility at an establishment open to the public; rental units, such as motels and resort cabins, or showers and toilet facilities for schools or campgrounds.

Domestic wastewater means any water generated by a use used for personal hygiene such as lavatories and related sinks. This definition shall apply only to sections 117-118 and 117-120.

Draining means the removal of surface water or groundwater from land.

Dripline means an imaginary vertical line which extends from the outermost branches of a tree's canopy to the ground.

Drive-in establishment means an establishment which provides a service or commodity to the occupants of a motor vehicle.

Driveway means an onsite prepared surface traffic lane, which shall be the traffic lane leading directly from a public street to the primary garage on the subject parcel; the width of which cannot exceed the primary garage width by more than 15 feet, or in the absence of a garage, a traffic lane to a parking pad that cannot exceed 20 feet in width. Driveway parking may not extend beyond the front of the primary garage without meeting the performance standards for side or rear yard parking. (Cannot exceed maximum width at roadway under zoning district bulk standards).

Duplex, triplex, and quad means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling site means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling unit means:

- (1) A residential building or portion thereof intended for occupancy by one family including apartments but not including hotels, motels, nursing homes, seasonal cabins, boarding or roominghouses, tourist homes or trailers; or
- (2) Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Dwelling, attached, means a dwelling which is joined to another at one or more sides by a party wall.

Dwelling, detached, means a dwelling unit not attached to another dwelling or structure.

Dwelling, duplex, means a dwelling designed exclusively for occupancy by two families having separate kitchen, bathroom, and living spaces.

Dwelling, guest cottage or accessory apartment, means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Dwelling, manufactured home, means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification pursuant to Minn. Stats. §§ 327.31—327.36. The term "dwelling, manufactured home," does not include "recreational vehicle" as defined herein.

Dwelling, multiple (apartment or condominium), means a building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other but sharing hallways and main entrances and exits.

Dwelling, single-family, means a dwelling unit designed exclusively for occupancy by one family.

Dwelling, townhouse, means structures that are designed for single household habitation, but have outdoor areas and/or indoor centers that are commonly owned and maintained by a homeowners' association. Townhouses have a minimum of one individual entrance/exit per unit.

Dwelling, twinhome or quad, means a building containing two or four attached dwelling units, side-by-side, that share common walls at the lot lines and that are on separate lots and do not utilize a homeowners' association.

Dynamic display means any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating

panels, LED lights manipulated through digital input or any other method of technology that allows the sign face to present a series of images or displays.

Earth material means any rock, material, soil or fill and/or any combination thereof.

Easement means a grant by a property owner for use of a strip of land by the public or any person for any specific purpose, or purposes of construction and maintaining utilities and/or roadways.

Emergency landing means an unplanned and unanticipated landing of an aircraft made to prevent personal injury or loss of life.

Emergency work means work that is necessary to save life or property.

Energy dissipation refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to; aprons, rip-rap, splash pads, and gabions that are designed to prevent erosion.

Engineer means the city engineer.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Equipment, commercial use, means a variety of heavy machines, either specifically designed or used for commercial purposes, which perform specific construction or demolition functions, such as hoisting, excavating, hauling, grading, paving, drilling, or pile driving, under power. Trailers, either enclosed or flatbed, 6×12 or smaller are exempt unless they have a department of transportation certificate or number; trailers used for transport of recreational vehicles and not used for any commercial use are exempt.

A licensed, self-propelled vehicle which:

- (1) Has a gross vehicle weight rating (GVWR) OF 10,001 pounds or more and contains print or logos which advertise a business; or
- (2) Has external modifications to the structure or body, where external modifications are defined as both dealer and non-dealer modifications which result in pick-up trucks that do not have the traditional pick-up truck bed and side walls, and vans that have an expanded cargo area that is taller or wider than a passenger van, except those modified for use as either a recreational vehicle or to accommodate handicapped passengers and which are currently being utilized for this purpose. Motorized vehicles that have racks, storage boxes, or shells added to the traditional pick-up bed are exempt from this definition.

Equipment, private use, means any motorized or non-motorized apparatus whose primary use is for personal activities not related to generating revenue or profit.

Erosion means the wearing away of the ground surface as a result of the movement of wind, water and/or ice or any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion and sediment practice specifications or practice means the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the city, county or local watershed group, whichever is more stringent.

Erosion control refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Essential services means:

- (1) Underground or overhead gas, electrical, steam or water distribution systems, collection communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes,

conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction therewith, but not including buildings or transmission services; or

- (2) The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies.

Excavation means the mechanical removal of earth material below finish grade and shall be limited to only those areas needing soil correction, and shall not include the exporting of earth material from the work site.

Existing grade means the grade prior to grading.

Exposed soil areas means all areas of the construction site where the vegetation (trees, shrubs, brush, etc.) has been removed. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of sand, gravel, concrete or bituminous.

Exterior solid fuel-fired heating device means an external device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs.

External illumination means illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

Extractive use means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stats. §§ 93.44—93.51.

Farm means a tract of land used for agricultural uses which is under cultivation or is fenced and utilized as pasture.

Farm fence means an open type fence of posts and wire, which is permitted to accommodate agricultural activities and the raising of livestock and animals in certain zoning districts, and is not considered to be a structure with regard to floodplain regulations.

Farming means process of operating a farm for the growing and harvesting of crops which shall include those necessary accessory buildings, related to operating a farm, and the keeping of domestic farm animals.

Fence means any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

Fill means a deposit of earth material placed by artificial means so as to elevate the grade of a work site.

Filling means the act of depositing any rock, soil, gravel, sand or any other material.

Filter strips means a vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

Final stabilization means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 75 percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Acceptable vegetative cover practices can be found in the current version of the state department of transportation's publication, "Supplemental Specifications to the (Year) Standard Specifications for Construction." Simply sowing grass seed is not considered stabilization.

Finish grade means the final grade of the work site which conforms to the approved plan.

Flashing or scrolling signs or lights means a sign or lighting, other than a manual changeable copy sign, including dynamic display, which contains an intermittent or sequential flashing light source used primarily to attract attention.

Flood means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood frequency means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe means that portion of the floodplain outside of the floodway. The term "flood fringe" is synonymous with the term "floodway fringe" used in the flood insurance study for the city.

Floodplain means:

- (1) The beds proper and the areas adjoining a wetland, lake or watercourse which have been, or hereafter may be, covered by the regional flood; or
- (2) Lands adjacent to rivers, lakes, creeks, drainageways, marshes and other lowland areas which are subject to inundation by runoff from the 100-year regional storm or the 100-year snow-snow-melt runoff event.

Floodproofing means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

Floor area means the sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls.

Floor area ratio means the total floor area on a zoning lot divided by the total site area of the lot or parcel being developed.

Forest land conversion means the clear-cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Forestry means the use and management, including logging, of a forest, woodland or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.

Garage, primary residential, means a garage attached to the principal building or dwelling, or a detached garage where an attached garage does not exist, intended for the storage of vehicles and items accessory to the principal use of the property. Primary residential garages, attached or detached, shall be considered accessory structures.

Governmental sign means a sign which is erected by a governmental unit.

Grade means the vertical rise or drop from any fixed horizontal line or point.

Grading means:

- (1) Changing the natural or existing topography of land; or
- (2) The placement, removal or movement of earth by use of mechanical equipment on a property.

Ground sign means a sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

Ground source heat pump system means a system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils, or plates; fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.

Grubbing means removal of all structures, vegetation, utilities, facilities, and other material from a site.

Hardship means:

- (1) The property in question cannot be put to reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to their property, not created by the landowner; and then if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the official controls; or
- (2) As used in connection with a variance under this section, means the property in question cannot be put to a reasonable use under the conditions allowed by this section. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this section.

Harmful quantity means the amount of any substance that will cause pollution of waters of the city, state or nation that will cause lethal or sub-lethal adverse effects on the representative, sensitive aquatic monitoring organisms residing in waters.

Hazard or nuisance tree means any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; a tree that poses a threat to safety.

Hazardous waste.

- (1) The term "hazardous waste" means any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:
 - a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.

- (2) The term "hazardous waste" does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Hazardous waste incinerator means an enclosed device using controlled flame combustion, a purpose of which is to thermally break down hazardous waste and that neither meets the criteria for classification as a boiler nor is listed or can be classified as an industrial boiler.

Hedge means a row of closely planted shrubs or low growing trees forming a fence or boundary.

Height of a communication antenna or tower means the height of a freestanding communication antenna or tower is determined as the distance from ground level to the highest point on the tower, including the antenna.

Height of a roof- or wall-mounted antenna or tower means the height of a communication antenna that is mounted on a roof or wall shall be measured from the point where the base of the antenna and its supporting structure appends to the roof or wall to the highest point of the supporting structure, including the antenna.

Helicopter means an aircraft supported in the air by rotors.

Heliport means an area of land that is used or intended to be used for the landing and takeoff of helicopters, and includes its buildings and facilities.

Home occupation means any business or commercial activity that is conducted or petitioned to be conducted from the principal structure, ~~or~~ an accessory structure, or on the property that is zoned for residential use, by persons residing on the property.

Homeowners' association (HOA) means an organization comprising neighbors concerned with managing the common areas of a subdivision, governed by a board, that create a set of bylaws, in addition to city regulation, to govern themselves. These boards own and maintain commonly-held land within a townhouse or single-family development, and are responsible for private street maintenance, snow removal, landscaping, and/or building maintenance. Each homeowners' association varies in its scope and responsibilities. The homeowners' association is responsible for enforcing any covenants, conditions, and restrictions that apply to the property.

Horse boarding, commercial, means the housing or keeping of horses for profit. Horse boarding will be considered to be commercial when horse care is offered to the general public through any form of advertising.

Horse boarding, noncommercial, means the housing or keeping of horses for friends, neighbors, and relatives when the charge for such boarding is limited to the actual costs incurred and the person providing the service has not attempted to solicit business through any form of advertising.

Hydric soils means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic vegetation means macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Illicit discharge means any direct or indirect non-stormwater discharge to the storm sewer system except as exempted in section 117-414(b)(2).

Illuminated sign means any sign which is illuminated by an artificial light source.

Impervious surface means:

- (1) A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads; or
- (2) A properly maintained artificial surface through which water cannot easily penetrate or a constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Improvements means the construction or installation of public or private utilities, including but not limited to, potable water, sanitary sewer systems, storm sewers, roads and other thoroughfares, sidewalks, curbs and gutters, paving barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, transportation systems or facilities connected therewith and communication systems which are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.

Incinerator means any furnace or other device used in the process of burning solid waste, hazardous waste, medical waste or special waste for the purpose of reducing the volume of the waste by removing combustible material.

Industrial solid waste.

- (1) The term "industrial solid waste" means all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments.
- (2) The term "industrial solid waste" does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuse.

Industrial solid waste land disposal facility means a site used to dispose of industrial solid waste in or on the land.

Industrial use means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Institution means any building housing any civic, philanthropic, educational, public, religious or public service organization.

Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Junkyard means land or buildings where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleared, packaged, disassembled or handled.

Key means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

Land disposal facility means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

Land disturbance activity means any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

- (1) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
- (2) Construction, installation, and maintenance of electric, telephone, and cable television, utility lines or individual service connection to these utilities, which result in creating under 500 square feet of exposed soil.
- (3) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops.
- (4) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles which result in creating under 500 square feet of exposed soil.
- (5) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

Land pollution means the presence in or on the land of any waste or waste byproduct in such quantity, of such nature and duration, and under such condition as would affect any waters of the state, create air contaminants, cause air pollution or contaminate soils at the site making the site unacceptable for further use.

Land reclamation means the process of the reestablishment of acceptable topography (i.e., slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

Landfill activity means the process of land disposal, including but not limited to dumping of waste or processed waste, excavating cover material, storage and servicing of equipment, placing cover material, or stockpiling of materials for landfill requirements.

Landfill activity area means the area where landfill activity takes place.

Landmark tree means any tree which is determined by the city council to be of unique and intrinsic value to the general public. This could be the result of its size, age, historic association or ecological value or any tree

designated a Minnesota State Champion, United States Champion or World Champion by the American Forestry Association. The city shall keep a record of all specimen trees so designated and their location.

Landscape plan means the design and specifications for the placement of any live plant materials such as trees, shrubs, ground cover and grasses as well as humanmade structures such as walls, fences, and berms. This also includes the retention of existing vegetation for the purposes of enhancing property value and aesthetics, protecting the community's environment, and minimizing negative impacts on visual order of the community.

Landscaping means the use of natural plant materials including but not limited to, ground covers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation, and maintenance of such plant materials and includes such elements as fences, walls, lighting, and earth mounding.

Large tree means any tree expected to reach a height in excess of 30 feet at maturity.

Leachate means liquid that has percolated through solid or processed waste and has extracted, dissolved, or suspended materials from it.

License fee means the annual charge for a permit as required herein. The term "license," "conditional use permit" and "permit" as used herein may be used interchangeably.

Light manufacturing means the processing and fabrication of certain materials and products where no process involved will produce noise, vibrations, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties.

Litter means slightly decomposed organic material on the floor of a wooded area.

Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot, depth of, means a mean horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, frontage, means the front of a lot shall be, for purposes of complying with this Code, that boundary abutting a public right-of-way having the least width.

Lot, interior, means a lot, other than a corner lot, including through lots.

Lot, minimum area of, means the surface of a lot computed exclusive of any portion of the right-of-way of any public street or thoroughfare for all commercial and industrial lots and all residential lots. In the event of more than one street frontage, the measurement will be taken at the street where driveway access is gained unless otherwise approved by the city.

Lot, through, means a lot fronting on two parallel streets.

Lot line means a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

Lot of record means any lot which individually, or as part of a subdivision, was a separate parcel of record on April 28, 1972.

Lot width means the uniform width measured at the property line abutting the street at the minimum building setback line of the underlying zoning district. In the case of a lot abutting a cul-de-sac, the lot width is the width measured at right angles to the depth at the building setback requirement.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

Mansard means a sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee means a permanent roof-like structure of rigid materials supported by and extending from the facade of a building.

Medical waste means all segregated, non-recycled wastes other than kitchen or office wastes produced by hospitals, clinics, doctors' and dentists' offices, funeral homes, veterinary clinics, and other medical and research facilities. These wastes include infectious wastes as defined by Minn. Rules pt. 7035.0300, subpt. 48, or other relevant rule or statute defining infectious wastes, pathological waste, and laboratory wastes.

Mining means all or any part of the process involved in the extraction of sand, gravel, rock, soil or other material from the ground by removing the overburden and extracting directly from the material thereby exposed.

Mining operation means the removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.

Mixed municipal solid waste has the meaning given it in Minn. Stats. § 115A.03, subd. 21.

Mixed municipal solid waste land disposal facility means a site used for the disposal of mixed municipal solid waste.

Mobile commercial cosmetic cleaning means power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles and/or exterior surfaces engaged for commercial purposes.

Mobile home park means any premises which has facilities to accommodate two or more occupied mobile homes.

Model home means a dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

Moderately are soils having percolation rates of 30 minutes per inch to 60 minutes per inch.

Motel/motor hotel means a building or group of detached, semi-detached or attached buildings containing guestrooms or units, each of which has a separate entrance directly from the outside of the building or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests.

Motion sign means any sign which revolves, rotates or has any moving parts.

Motor freight terminal (truck terminal) means a building in which freight brought by a motor truck is assembled and sorted for routing in intrastate and interstate shipment.

Motor fuel station means a place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises and including minor accessories and services for automobiles but not including automobile major repairs and rebuilding.

Motor vehicle, commercial use, means any device designed to be self-propelled that is eligible for legal operation on the public roads and highways and whose primary use is to facilitate the generation of revenue. This shall not include standard passenger automobiles, pick-up trucks and vans displaying company logos and/or advertisements.

Motor vehicle, private use, means any device which is designed to be self-propelled, and not deriving its power from overhead wires. This shall also include standard passenger automobiles, pickup trucks and vans displaying company logos and/or advertisements.

MS4 permit means the Minnesota Pollution Control Agency (MPCA) permit issued to the City of Ramsey for monitoring and maintaining water quality in its MS4. The Environmental Protection Agency (EPA) has promulgated the National Pollution Discharge Elimination System (NPDES), Phase II storm water rules. The MPCA has delegated

the responsibility to administer the National Pollution Discharge Elimination System, Phase II storm water permit system to MS4 communities.

Municipal forestry program shall be synonymous with "City Tree Planting Program" and shall include, but not be limited to:

- (1) Tree planting, maintenance, removal and replacement;
- (2) Leaf collection and disposal;
- (3) Community relations activities including information on tree plantings, seedling distributions, and Arbor Day observations; and
- (4) Any enforcement of city ordinances relating to the city's tree planting program.

Municipal separate storm sewer system (MS4) means the system of conveyances, including sidewalks, municipal streets, driveways, curb and gutter, ditches, channels, retention basins, catch basins or similar storm water inlets, and/or any other conveyance delivering water to the public storm sewer collection and delivery system.

Nameplate/identification sign means a sign which bears the name and/or address of the occupants of the building.

Native species means any species of plant considered to be indigenous to the county sand plain.

Natural area means an area that does not include noxious weeds that is purposely left to grow in a natural state and contains vegetation that can maintain itself in a stable condition.

Natural drainage system means all land surface areas which by nature of their contour configuration, collect, store and channel surface water runoff.

Natural obstruction means any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a water body, watercourse, or wetland by a non-human cause.

NOI means notice of intent.

Nonconforming sign, illegal, means a sign which unlawfully existed prior to the adoption of the ordinance from which this chapter is derived.

Nonconforming sign, legal, means a sign which lawfully existed prior to the adoption of the ordinance from which this chapter is derived, but does not conform to the newly enacted requirements of this chapter.

Nonconforming use means any use of land established before the effective date of the ordinance from which this chapter is derived which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

Nonconforming use, illegal, means a building, structure, premises, or use which at the time of its establishment did not comply or conform with the applicable conditions or provisions of this Code which were in effect at such date, and which continues such noncompliance and nonconformance with the present Code.

Nonconforming use, legal, means a building, structure, premises, or use which at the time of its establishment was in compliance and conformance with the applicable conditions and provisions of this Code which were in effect at such date, but which does not now comply or conform to conditions and provisions of the current Code.

Non-domestic sewage (process wastewater) means sewage discharges generated from such uses as restaurants, laundromats, barbershops and beauty shops, carwashes, and other types of commercial or industrial establishments.

Normal high-water mark means a continuous mark of reference at an elevation where land and water meet for some period of record; is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Notice of intent (NOI) means a written notice to the Minnesota Pollution Control Agency that the city plans on meeting the MS4 permit requirements.

NPDES means National Pollutant Discharge Elimination System (NPDES) as established pursuant to 33 USC 1342(b) to regulate discharges of Pollutants to the waters of the United States.

NPDES permit means an NPDES stormwater discharge permit that is issued by the Minnesota Pollution Control Agency (MPCA) to regulate discharges of pollutants to waters of the United States, whether the permit is applicable to an individual, group or general area-wide basis.

Nuisance or public nuisance. See chapter 10, Animals, for specific definition.

Nursing home, rest home or convalescent home means a building having accommodations where care is provided for two or more invalids, infirmed, aged, convalescent, or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums or similar institutions.

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Official map means a map adopted in accordance with the ordinance from which this chapter is derived showing existing streets, proposed future streets and the area needed for widening of existing streets of the city. An official map may also show the location of existing and future land and facilities within the city. An official map may cover the entire city or any portion of the city.

Off-street loading space means a space accessible from the street, alley or way, in a building or on the lot for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business and shall be exclusive of general public and employee parking spaces.

On site means any location within the boundaries of a site.

One hundred-year floodplain means lands inundated by the regional flood.

Opacity means the degree to which a structure, use or view is screened from adjacent properties.

Open sales lot means any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

Open space means an area set aside for the preservation of natural open spaces to counteract the effects of urban congestion and monotony.

Open space recreation uses means recreation use particularly oriented to and utilizing the outdoor character of any area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.

Operable motor vehicle means a vehicle that can be presented in a self-propelled condition within seven days of the city's request for such action.

Operator means any person, any partnership, limited partnership or corporation, or any association of persons, engaged in surface mining operations and issued a permit therefor pursuant to this Code or the pilot of an aircraft.

Ordinary high-water mark means either of the following:

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- (1) The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.
 - (2) Generally the boundary elevation where the vegetation changes from predominately aquatic (where "aquatic" broadly means that the vegetation can survive moist conditions) to terrestrial. This elevation delineates the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Water often reaches this elevation in spring. For rivers and streams the ordinary high water mark is usually the top of the bank. It is less well defined for lakes and wetlands. The definition in Minn. Stats. § 103G.005, subd. 14 provides that the "... "Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:
 - a. The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
 - b. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
 - c. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. The term "ordinary high water mark" is further defined in Minn. Rules pt. 6120.2500, subpt. 11. Ordinary high-water marks are determined by the state department of natural resources' area hydrologist.

Organic matter means decayed plant materials that are no longer identifiable or recognizable as the original plant and have been biologically transformed into a humus-like material.

Outlot means a parcel that is not a developable piece of property unless re-platted in accordance with city ordinances.

Owner means any person, firm or corporation, or any other legal entity, or a combination of any of them, having sufficient legal proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

Parcel means an individual lot or tract of land.

Park includes any city public spaces designated for recreation and/or conservation.

Parking pad means any on-site area used for storage or parking of motor vehicles, equipment, or items listed in section 117-355, Residential off-street parking. A parking pad does not include a driveway as defined by City Code. A parking pad shall have a prepared surface as required by this chapter. The parking pad area shall not exceed those area restrictions as prescribed by this chapter.

Parking node means a parking area with two or more parking spaces that are usually for common parking in medium and high density developments. Examples include private parking lots for tenant/visitors of apartments and parking areas along private streets for townhomes.

Parking space means an area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Parking surface, residential, means the entire area under a vehicle or piece of equipment plus a one-foot extended perimeter.

Passive solar energy system means a system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Paved surface means a constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

Pedestrian way means a public or private right-of-way within or across a block to provide access for pedestrians and which may be used for utilities.

Pennants means attention-getting devices which resemble flags and are of non-permanent paper, cloth or plastic-like consistency.

Permanent cover means final stabilization. Examples include grass, gravel, asphalt, and concrete.

Permanent sign means any sign which is not defined as a temporary sign.

Permitted use means a use which may be lawfully established in a particular district, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

Person means an individual, firm, partnership, association, corporation or organization of any kind.

Personal use heliport means restricted to use by one person.

Pervious surface means a surface that permits the entry of water into the soil. Examples include lawns, planting beds and paving brick surfaces designed to infiltrate water into the underlying soils.

Pest means any injurious plant, animal, disease, insect or other organism that harms trees or other woody vegetation or humans.

Photovoltaic system means a solar energy system that converts solar energy directly into electricity.

Planned cluster development means a pattern of subdivision development which places dwelling units into compact groupings while providing a commonly owned or dedicated open space.

Planting means vegetative installations and related improvements, retained or introduced for the purpose of beautifying or enhancing property, buffering adjoining uses, control soil erosion, etc.

Plat, final, means a drawing or map of a subdivision which meets all of the requirements of the city and is in such form as meets the requirements under the state law for purposes of recording.

Plat, major, means the subdivision of parcels that exceed three parcels and/or requires the construction of public streets or utilities. A major plat requires sketch plan review by the planning commission, preliminary plat review by the planning commission and city council and final plat review by the city council.

Plat, minor, means a subdivision of three or less parcels and does not require the construction of public streets or utilities.

Plat, preliminary, means the initial drawing indicating the proposed layout of the subdivisions to be submitted hereunder in compliance with the regulations, including required supporting data.

Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Political sign means a temporary sign used in connection with any local, state or national election or referendum.

Pollutant means:

- (1) Toxic or hazardous substances, wastes or contaminants (including, without limitation, asbestos, urea formaldehyde, the group of organic compounds known as polychlorinated biphenyls, petroleum products including gasoline, fuel oil, crude oil and various constituents of such products, and any hazardous substance as defined in Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 USC 9601—9657, as amended);
- (2) Substances that would require a permit for their discharge into any water source or system or the air under the Federal Water Pollution Control Act, 33 USC 1251 et seq., or the Clean Air Act, 42 USC 7401 et seq.;
- (3) Hazardous substances, pollutants or contaminants defined in Minn. Stats. ch. 115B;
- (4) Litter, yard waste, garbage, liquid and solid wastes, fertilizers, pesticides, herbicides, paints, solvents, automotive fluids, wastes and residues that result from constructing a building or structure; and
- (5) As in any other similar state law or ordinance.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any waters of the state or the MS4, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Portable sign means any sign designed to be removed and not permanently affixed to the ground or a structure or a building.

Primitive campsites means an area that consists of individual remote campsites accessible only by foot or water.

Principal use or structure means all uses or structures that are not accessory uses or structures.

Private use heliport means for use by multiple persons at the invitation of the owner (an example would be a heliport at a hospital).

Projecting sign means any sign, all or any part of which extends beyond the surface of the building or wall by more than 16 inches.

Property line means the boundary between two distinct properties.

Property owner means the person owning such property as shown by the county auditor's plat of the City of Ramsey, Minnesota.

Protected waters means any public waters as defined in Minn. Stats. § 103G.005. However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purposes of these regulations.

Protective covenants means contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of a given area.

Pruning means the judicious removal of plant parts to increase usefulness, beauty, or vigor.

Pruning standard means the standard established by the International Society of Arboriculture for use in the pruning of plant material located on public property.

Public area means property within the city limits, and:

- (1) Owned by the city in fee simple absolute; or
- (2) Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements.

Public event means any event that is authorized by the city, whether funded in part, total or not at all by the city.

Public sewer means municipal sanitary sewerage facilities connected to an interceptor sewer or sewage treatment facility provided by the Metropolitan Waste Control Commission.

Public tree means all trees now, or hereafter, growing along any street, in any park, or any other public place.

Public use heliport means unrestricted and open to the public.

Public uses means uses owned or operated by municipal, school districts, county, state or other governmental units.

Public waters means any waters as defined in Minn. Stats. § 103G.005, subds. 15 and 15a.

Raising means the removal of lower branches or the removal of smaller branches from larger branches to increase the clearance height of the limbs over streets, alleys, or buildings.

Rapidly are soils having percolation of less than 30 minutes per inch.

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreation field or building means an area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Code.

Recreational vehicle means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of subdivision III (floodplain overlay districts), the term recreational vehicle is synonymous with the term 'travel trailer/travel vehicle'.

Regional flood means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. The term "regional flood" is synonymous with the term "base flood" used in the Flood Insurance Study.

Regulatory flood protection elevation means an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into groundwater, subsurface soils, surface soils, the municipal separate storm sewer system (MS4) or the waters of the state.

Replacement planting means the replacement of trees and landscape materials into the minimum required landscape areas, as determined by the zoning ordinance, conditions of zoning approval, or the provisions of this chapter.

Required public improvements means those improvements in any proposed subdivision, including streets, water and sewer systems and stormwater drainage systems, which are required in connection with the approval of any plat or other subdivision.

Residential planned unit development means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership

residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Restaurant (Class I) means traditional restaurant where food is served by a waiter or waitress to a customer and consumed while seated at a counter or table. Food is served on non-disposable containers.

Restaurant (Class II) means fast food restaurants in which a majority of the customers are served food at a counter and take it to a table to eat at or may take food outside to consume in a vehicle or off the premises.

Retention basin means a temporary or permanent natural or man made structure, facility or basin that provides a permanent pool of water for storage of stormwater where water is allowed to empty through infiltration or evaporation, including but not limited to wet or NURP ponds.

Right-of-way means the area within the limits of a street, alley, pedestrian way, thoroughfare or easement.

Roof sign means any sign erected upon the roof of a structure to which it is affixed.

Roofline means the top line of the coping; or, when the building has a pitched roof, as the intersection of the outside wall with the roof.

Rough grade means the stage at which the grade approximately conforms to the approved plan.

Runoff means any liquid that drains over land from any part of a facility.

Runoff coefficient means the average annual fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls that will appear at the conveyance as runoff.

Screening means a method of reducing the impact of noise and visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences or any appropriate combination thereof.

- (1) *75-percent screening*: Screening would be required on all common lot lines at 100 percent, excluding from along roadway, except on a corner lot, in which case the secondary frontage would still require screening. This means, screening is required on three sides of the vehicle at 100 percent.
- (2) *50-percent screening*: Screening would be required on lot lines adjoining subject property along the length of the vehicle/equipment at 100 percent. This means screening is required on at least two sides of the vehicle at 100 percent.

Sediment means the product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on the earth's surface either above or below water level.

Sediment control means the methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Sedimentation means the process or action of depositing sediment caused by erosion.

Selective cutting means the removal of single scattered trees.

Semi-public use means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive resource management means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback means the minimum horizontal distance between a use and lot line or other distinguished area. Distances are to be measured from ground level except as provided hereinafter.

Sewage disposal regulations means the regulations found in chapter 113, article II, and any subsequent amendments.

Sewage treatment system means:

- (1) Any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields; or
- (2) Septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this chapter.

Sewer system means the pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shopping center means a commercial development consisting of three or more separate commercial establishments sharing a common building, entranceway or parking area.

Shore impact zone means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland means the land within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Sign means any letter, word or symbol, device, poster, picture, statuary, reading matter, or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed outdoors for informational or communicative purposes.

Sign area means that area within the marginal lines of the surface which bears the advertisement, or in the case of messages, figures or symbols attached directly to any part of a building, that area which is included in the smallest geometric shape which can be made to circumscribe the message, figure or symbol displayed thereon. The stipulated maximum sign area for a free standing or ground sign refers to a single facing.

Sign, advertising, means a sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Significant historic site means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stats. § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Slope means the degree of deviation of a surface from the horizontal, usually expressed in percent, degrees, or ratio.

Slowly are soils having percolation rates in excess of 60 minutes per inch.

Soil means either:

- (1) Naturally occurring superficial deposits overlying bedrock.

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- (2) The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this chapter stockpiles of sand, gravel, aggregate, concrete or bituminous materials are not considered "soil" stockpiles.

Soil absorption system means a system constructed in conformance to the city's sewage disposal regulations in chapter 113 for the purpose of the disposal of septic tank effluent by soil absorption.

Soil permeability means the quality of the soil that permits water or air to pass through it; it is expressed as the time in minutes required to pass one inch of water through a saturated cross section of soil; it is determined by field test procedures outlined in the city's sewage disposal regulations in chapter 113.

Soil permeability — moderately are soils having percolation rates of 30 minutes per inch to 60 minutes per inch.

Soil permeability — rapidly are soils having percolation of less than 30 minutes per inch.

Soil permeability — slowly are soils having percolation rates in excess of 60 minutes per inch.

Soil survey means the systemized study of soils, including the study of morphological soil characteristics, soil behavior and the classification of soils into defined types and other classification units, soil mapping to show the boundaries of soils and their geographic distribution and the prediction of their behavior for specific uses or management systems as defined by Standard Soil Survey, USDA.

Soils.

- (1) *Class I lands* are lands on which the water table remains greater than six feet below the surface through the year, and:
- a. The soil is moderately permeable with slopes not exceeding 12 percent.
 - b. The soil is rapidly permeable with slopes not exceeding 18 percent.
- (2) *Class II lands* are lands on which the water table remains at two to six feet below the ground surface throughout the year, and:
- a. Soils are moderately permeable with slopes ranging between 12 percent and 18 percent.
 - b. Soils are slowly permeable with slopes not exceeding 12 percent.
- (3) *Class III lands* are lands on which the water table remains greater than six feet below the surface throughout the year; and:
- a. Soils are moderately permeable and slopes exceed 18 percent;
 - b. Soils are rapidly permeable and slopes exceed 18 percent;
 - c. Soils are slowly permeable and slopes exceed 12 percent.
- (4) *Class IV lands* are lands on which the water table does not remain greater than six feet below the surface throughout the year or lands considered to be floodplain and subject to flooding.
- (5) *Class V lands* are lands which have steep slopes, over 12 percent.

Solar access means that access between the solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes the effective operation.

Solar energy means radiant energy that is direct, diffused, and reflected energy received from the sun.

Solar energy system means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Solid waste land disposal facility means a facility used to dispose of solid waste in or on the land.

Solid waste management facility means a facility for the storage, collection, transportation, processing or reuse, conversion or disposal of solid waste.

Special flood hazard area is a term used for flood insurance purposes synonymous with "one hundred-year floodplain."

Special waste means any waste material not considered hazardous or solid waste which has been determined by the Minnesota Pollution Control Agency or Environmental Protection Agency to require special handling or treatment prior to disposal.

Stabilized means the exposed ground surface after it has been covered by sod, erosion control blanket, rip-rap, or other material that prevents erosion from occurring. Simply sowing grass seed is not considered stabilization.

Standard use means any use of shorelands existing prior to the date of enactment of the ordinance from which this chapter is derived which is permitted within the applicable zoning district but does not meet the minimum lot area and length or water frontage, structure setbacks, or other dimensional standards of this Code.

Steep slope means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Stormwater, under Minn. Rules pt. 7077.0105, subpt. 41b, "means precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage." (According to the Federal Code of Regulations under 40 CFR 122.26[b][13], "Stormwater means stormwater runoff, snow melt runoff and surface and drainage."). Stormwater does not include construction site dewatering.

Storm water pollution control plan(also known as storm water pollution prevention plan) means a joint stormwater and erosion and sediment plan that is a document containing the requirements of article II, division 6, subdivision II of this chapter, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution.

Story means that portion of a building including beneath the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story.

Street frontage means the proximity of a parcel of land to one or more streets. An interior lot has one street frontage and a corner lot has two such frontages.

Street frontage/lot width means the measurement of distance of an entire property width, as measured at the property line or the front yard setback line.

Street trees means trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Streets.

- (1) *Street* means a public right-of-way affording primary access by pedestrians and vehicles abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue or however otherwise designated.
- (2) *Collector street* means a street which carries traffic from minor streets to arterials. It includes the principal entrance streets of a residential development and streets for circulation within such a development.
- (3) *Cul-de-sac* means a street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (4) *Minor street* means a street used primarily for access to the abutting properties and the local needs of a neighborhood.
- (5) *Service street, lane or road* means a street which is adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
- (6) *Street width* means the shortest distance between the lot lines delineating the right-of-way of a street.
- (7) *Minor arterial* means a street primarily designated to carry large volumes of traffic and serves as an intra-thoroughfare between various districts of the city.
- (8) *Major arterial* means a thoroughfare (inter-community travel) which is a major vehicle transportation corridor throughout the region.
- (9) *Urban streets* means those streets located within the 2000 Urban Area and the Urban Reserve Area.
- (10) *Rural streets* means those streets located outside the 2000 Urban Area and the Urban Reserve Area.

Structure means either:

- (1) Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including towers, poles and other supporting appurtenances.
- (2) Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.
- (3) Any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electrical, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances, and fences used to control livestock or delineate boundaries.

Structure, principal, means anything that houses or facilitates the principal use of a property.

Subdivider means a person, firm or corporation having sufficient proprietary interest in land in order to subdivide the same under this chapter.

Subdivision means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five-year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

Substandard use means any use within the land use district existing prior to the date of enactment of the ordinance from which this chapter is derived which is permitted within the applicable land use district but does not

meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of this chapter.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction", as defined in 44 Code of Federal Regulations 59.1, of the improvement. This term includes structures that have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a "historic structure", as defined in 44 Code of Federal Regulations 59.1, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surface water-oriented commercial use means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

SWPPP means storm water pollution prevention plan.

Temporary protection means short-term methods employed to prevent erosion. Examples of such protection include; mulch, erosion control blankets, wood chips, and erosion netting.

Temporary real estate office means a structure with or without a foundation or footings, used only as a temporary real estate office, which is open to the general public.

Temporary sign means a sign which is erected or displayed for a limited period of time and not affixed to a Minnesota State Building Code approved structure.

Toe of the bluff means the lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Topping means cutting back a tree to buds, stubs, or laterals not large enough to assume the terminal role.

Topsoil means black dirt composed of unconsolidated material, largely undecomposed organic matter that is a suitable foundation for vegetative growth. The composition of topsoil should contain no more than 35 percent sand content.

Tower means any ground or roof-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Tree means any woody plant that has at least one trunk whose diameter four feet above ground is four inches or greater.

Tree diameter, wherever this term is used in reference to the measurement of a tree, means a tree's trunk as measured 4.5 feet (54 inches) above the ground.

Tree owner means the owner of the real property upon which 51 percent or more of the trunk is located at ground level.

Tree preservation plan means a plan identifying and showing the location, type, size and health of trees, stating the ultimate disposition of the trees, showing the type, size and location of any trees to be planted and setting forth measures to protect trees before, during and after construction.

Tree protection area means any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this chapter. The tree protection area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

Tree service means any person, firm, or corporation engaged in the business of cutting, trimming, pruning, spraying, injecting chemicals, or removing trees or shrubs for compensation.

Trees, shrubs, and natural vegetation means all vegetation, woody or otherwise, except grass and flowers less than 24 inches in height.

Urban means of, relating to, characteristic of, constituting a city.

Usable open space means a required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, parking areas and drainage or ponding areas shall not constitute useable open space.

Use, principal, means the purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this chapter.

Vegetated or grassed swales means a vegetated earthen channel that conveys stormwater, while treating the stormwater by biofiltration. Such swales remove pollutants by both filtration and infiltration.

Vegetation means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

Vehicle repair, major, means general repair, rebuilding or reconditioning engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, overall painting or paint job.

Vehicle repair, minor, means minor repairs, replacement of parts and motor services to passenger automobiles and trucks not exceeding 9,000 pounds gross weight, but not including any operation specified under *Vehicle repair, major*.

Vehicle wrecking yard means any place where vehicle not in running condition and/or not licensed, or parts thereof, are stored in the open or any land used for wrecking or storing of such motor vehicles or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

Wall sign means any sign which is affixed to a wall of any building. This definition includes individual letter signs and signs on mansards.

Water body means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

Water table means:

- (1) The surface of the groundwater at which the pressure is atmospheric. Generally, this is the top of the saturated zone; or
- (2) The uppermost part of the soil that is wholly saturated with water.

Watercourse means a channel or depression through which water flows, such as rivers, streams, ditches or creeks and may flow year-round or intermittently.

Water-oriented accessory structure or facility means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Waters of the state, as defined in Minn. Stats. § 115.01, subd. 22, means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof." Disposal systems or treatment works operated under permit or certificate of compliance of the Minnesota Pollution Control Agency are not "waters of the state."

Watershed means the area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage area.

Wet detention facility means a permanent manmade structure for the temporary storage of runoff that contains a permanent pool of water.

Wetlands means either:

- (1) An area where water stands near, at or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation and which may have the following characteristics:
 - a. Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood) and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S., 1956").
 - b. Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and mulch).
 - c. Soil which is water logged or covered with water at least three months of the year.
 - d. Swamps, bogs, marches, potholes, wet meadows and sloughs are wetlands, and property may be shallow waterbodies, the waters of which are stagnant or actuated by very feeble currents and may at times be sufficiently dry to permit tillage but would require drainage to be made arable.

The edge of a wetland is commonly that point where the natural vegetation changes from aquatic to predominantly terrestrial.

- (2) Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:
 - a. A predominance of hydric soils;
 - b. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
 - c. Under normal circumstances support a prevalence of such vegetation."

The National Wetlands Inventory Maps distributed by the U.S. Department of the Interior Fish and Wildlife Service and Maps of Protected Waters distributed by the state department of natural resources are incorporated by reference in this definition.

- (3) Wetland as defined in Minn. Stats. § 103G.005, subd. 19.

The wetland inventory performed by the city as part of article II, division 4, subdivision VI of this chapter is also incorporated by reference. Field delineation and a report are required prior to any construction.

Wind energy conversion system (WECS) means any device such as a wind charger, wind mill, or wind turbine and associated facilities that converts wind energy to electrical energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, or other component used in the system.

- (1) *WECS, blade.* A component of a WECS mounted to the rotor, causing the rotor to rotate under wind conditions.
- (2) *WECS, medium-scale.* A WECS with a height between 101 feet and 200 feet tall, including the blade.
- (2) *WECS, micro-scale.* A WECS mounted to an existing Structure.
- (3) *WECS, small-scale.* A WECS with a height no greater than 50 feet tall, including the blade.
- (4) *WECS, utility-scale.* A WECS with a height greater than 200 feet, including the blade.

Window sign means a sign installed inside a window, or any sign placed within a building for the purpose of being visible from the public right-of-way. This does not include merchandise on display.

Woodland means a group of trees at least one-half acre in area and with a crown cover of 50 percent or greater.

Work site means any lot or parcel of land under the same ownership, where grading is performed or permitted.

Xeriscape means an integrated approach to landscape water conservation. Xeriscape means dryscape or low water use landscaping. Xeriscapes are designed through wise planning, plant and construction materials selection, and proper installation to provide beautiful, water efficient, low maintenance landscapes.

Yard means an open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, front, means that area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

Yard, rear, means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, side, means a yard between the side line of the lot and the nearest line of the principal building and extending from the front line of the structure to the rear property line.

Zoning administrator means the community development department.

Zoning amendment means a change of the zoning map or zoning text authorized by the city, either in the allowed use within a district, or in the boundaries of a district.

Zoning buffer means a buffer, as defined and required by the zoning ordinance or as a condition of zoning approval for a specific property.

Zoning district means an area within the limits of the city for which the regulations and requirements governing use are uniform.

Zoning district, overlay, means a zoning district containing regulations superimposed upon other zoning district regulations and may supersede the underlying zoning district if more restrictive than the underlying zoning district regulations.

Zoning district, underlying, means all zoning districts except overlay zoning districts.

Zoning map means the map incorporated into this chapter as a part thereof, designating the zoning districts.

Zoning ordinance means the zoning ordinance of the city, as amended from time to time by the city.

(Code 1978, §§ 9.02.01, 9.11.03, subd. 1, 9.11.06, 9.11.12, subd. 3, 9.11.14, 9.12.02, 9.13.02, 9.14.03, 9.15.01, 9.16.01, 9.21.03, 9.22.02, subd. 8, 9.23.03, subd. 5, 9.24.01, subd. 4, 9.25.02, subd. 3, 9.27.03, 9.30.32, subd. 2, 9.50.02, subd. 2; Ord. No. 73-05, 5-21-1973; Ord. No. 75-05, 6-22-1975; Ord. No. 75-08, 6-27-1975; Ord. No. 79-04, 4-9-1979; Ord. No. 79-13, 10-29-1979; Ord. No. 79-15, 2-25-1980; Ord. No. 81-04, 8-18-1981; Ord. No. 82-02, 3-21-1982; Ord. No. 82-12, 8-30-1982; Ord. No. 85-02, 8-12-1985; Ord. No. 86-2, 8-25-1986; Ord. No. 87-9, 1-11-1988; Ord. No. 89-26, 11-13-1989; Ord. No. 90-05, 3-27-1990; Ord. No. 92-07, 7-13-1992; Ord. No. 93-06, 4-23-1993; Ord. No. 94-02, 2-28-1994; Ord. No. 96-22, 1-13-1997; Ord. No. 97-08, 7-14-1997; Ord. No. 97-09, 7-28-1997; Ord. No. 99-05, 5-31-1999; Ord. No. 99-17, 12-23-1999; Ord. No. 01-15, 7-30-2001; Ord. No. 02-28, 9-30-2002; Ord. No. 03-20, 8-25-2003; Ord. No. 03-21, 8-25-2003; Ord. No. 03-30, 9-15-2003; Ord. No. 03-31, 9-15-2003; Ord. No. 03-33, 9-15-2003; Ord. No. 03-39, 9-29-2003; Ord. No. 04-15, 6-1-2004; Ord. No. 04-35, 10-25-2004; Ord. No. 04-43, 12-27-2004; Ord. No. 05-01, 2-14-2005; Ord. No. 04-32, 5-30-2005; Ord. No. 05-32, 1-16-2006; Ord. No. 06-24, § 2, 8-8-2006; Ord. No. 06-25, § 2, 8-8-2006; Ord. No. 06-32, § 1, 11-28-2006; Ord. No. 08-07, § 2, 2-12-2008; Ord. No. 08-25, § 2, 8-12-2008; Ord. No. 09-04, § 2, 2-24-2009; Ord. No. 09-06, § 2, 2-24-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 10-01, § 2, 1-12-2010; Ord. No. 10-05, § 1, 4-13-2010; Ord. No. 13-01, § 2, 2-26-2013; Ord. No. 13-15, § 2, 8-27-2013; Ord. No. 14-04, § 2, 5-27-2014; Ord. No. 15-15, § 2, 11-24-2015; Ord. No. 19-03, § 2, 3-12-2019)