

SECTION 2

RULES AND DEFINITIONS

Section

20-2-1: Rules of Word Construction

20-2-2: Definitions

20-2-1: **RULES OF WORD CONSTRUCTION:** For the purposes of this Chapter, certain terms of words used herein shall be interpreted as follows:

- A. The word "person" includes an owner or representative of the owner, firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The singular number includes the plural, and the plural the singular.
- E. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- F. When calculating parking stall requirements, any fraction of a number shall constitute an additional parking space.
- G. When calculating residential density, any fraction of a number shall not constitute an additional dwelling unit.
- H. For terminology not defined in this Section, the most current Webster's dictionary shall be used to define such terms.

20-2-2: **DEFINITIONS:** The following words and terms, wherever occur in this Chapter, shall be interpreted as herein defined:

- A. **Abutting:** Making contact with or separated only by public right-of-way, railroad, public utility right-of-way or navigable waters.

Accessory Building or Use: A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such principal building or primary use.

Addition: Any physical enlargement of an existing structure.

Adjacent: In close proximity to or neighboring, not necessarily abutting.

Adult Uses: Adult uses include adult bookstores, adult motion picture theaters, adult motion picture sales/rentals, 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. Activities classified as obscene as defined by Minnesota Statutes 617.241, as may be amended, are not included.

1. Specified Anatomical Areas:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. Specified Sexual Activities:

- a. 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: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
- e. Situations involving a person or persons, 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; or

- f. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation.
3. Adult Uses - Accessory: The offering of retail goods for sale which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.
4. Adult Uses - Principal: The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include but are not limited to the following:
- a. Adult Use - Body Painting Studio. 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".
 - b. Adult Use - Bookstore. A building or portion of a building uses for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film 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 extending 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".
 - c. Adult Use - Cabaret. 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 virtue 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".
 - d. Adult Use - Companionship Establishment. 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".

- e. Adult Use - Conversation/Rap Parlor. 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".
- f. Adult Use - Health/Sport Club. 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".
- g. Adult Use - Hotel or Motel. 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 sexually activities" or "specified anatomical areas".
- h. Adult Use - Massage Parlor, Health Club. 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".
- i. Adult Use - Mini-Motion Picture Theater. 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 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.
- j. Adult Use - Modeling Studio. 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.
- k. Adult Use - Motion Picture Arcade. 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".

- i. Adult Use - Motion Picture Theater. 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.
- m. Adult Use - Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
- n. Adult Use - Sauna. 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".
- o. Adult Use - Steam Room/Bathhouse Facility. 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 or 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".

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Agricultural Building: All buildings, other than dwellings and accessory garages, which are incidental for agricultural purposes, including, but not limited to, barns, granaries, silos, farm implement storage buildings, and milk houses.

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Agricultural Purposes: The raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. For a property to be classified as agricultural based only on the drying or storage of agricultural products, the products being dried or stored must have been produced by the same farm entity as the entity operating the drying or storage facility.

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

Amusement Park: The permanent use of land for the purpose of providing a variety of amusement facilities to the public for compensation either in the form of admission fees and/or fees for use of separate amusement facilities.

Animals:

1. Domestic Animals: For purposes of this Chapter, domestic animal shall be defined as house pets such as dogs, cats, traditional and typical animal pets, and birds (not including pigeons, chickens, geese, turkeys or other domestic fowl) which can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City. In addition, it includes rabbits normally sheltered outside the home.
2. Farm Animals: Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals traditional and commonly accepted as farm animals in the State of Minnesota.

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Antenna, Personal Wireless Service. A device consisting of a metal, carbon fiber, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of wireless communication radio waves including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the support structure thereof.

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Antenna, Public Utility Microwave. A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the supporting structure thereof.

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Antenna, Radio and Television, Broadcast Transmitting. A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming, and including the support structure thereof.

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Antenna, Radio and Television Receiving. A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the supporting structure thereof.

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Antenna, Satellite Dish. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as

satellite earth stations, TVROs (television, receive only) and satellite microwave antennas and support structure thereof.

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Antenna, Short-Wave Radio Transmitting and Receiving. A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof.

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Antenna Support Structure. Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Apartment: A portion of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

Apartment Building: Three (3) or more dwelling units or apartments grouped in one building, with each unit sharing a common area for ingress and egress.

Applicant: The owner, their agent or other person having legal control, ownership and/or interest in land which the provisions of this Chapter are being considered for or reviewed.

Automobile Repair - Major: 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 steam cleaning.

Automobile Repair-Minor: Installation, including cellular telephones, audio systems, and minor repairs, upholstery, replacement of parts (tires, glass, etc.) and minor motor services to passenger automobiles and trucks not exceeding twelve thousand (12,000) pounds gross weight, but not including any operation specified under "Automobile Repair-Major".

B. **Basement:** That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling (see Story).

Bay: Cantilevered area of a room.

Boarder: One who receives regular meals and/or regular meals and lodging for pay.

Boarding (House) Home - Foster Children: A family dwelling where children out of their own homes are cared for.

Boarding (Lodging) House: A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

Boundary Lines: Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the City's Zoning Map.

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Brew on Premises: A facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Alcoholic beverages may not be sold or otherwise provided to customers of a brew on premises store, unless the owner of the brew on premises store holds the appropriate liquor license. Customers using the brew on premises store must be of the minimum age required to purchase intoxicating liquor. Malt liquor brewed by a customer in the store must not be sold and must be used by the customer solely for personal or family use.

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Brewery: A facility that produces beer, ale or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

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Brewery, Small: A brewery that produces not more than twenty thousand (20,000) barrels of malt liquor in a calendar year as regulated by Minnesota Statutes, as may be amended.

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Brewpub: A small brewery with a restaurant use operated on the same premises as the brewery.

Buffer: The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from the vision of another use or property.

Buildable Area: The space remaining on a lot after the minimum setback and open space requirements of this Chapter have been met and excluding easements.

Building: Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

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Building Coverage: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

Building Footprint: The horizontal area of a building measured from the exterior surface of the exterior walls of the ground floor.

Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item a above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Building Line: A line parallel to the street right-of-way, or the ordinary high water level at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way.

Building Material Related: For the purposes of this Chapter, the following building materials or finishes shall be defined as:

1. Acid Etch: A finish achieved by casting concrete against a smooth, hard surface. After removal from the form the element is allowed to harden to a uniform hardness. The element is then washed with an acid solution and scrubbed to remove the cement surface to a sand level resulting in a smooth, sand textured surface.
2. Brick: The conventional molded rectangular block of baked clay, nominal four inch (4") width. Thin brick veneer, faux brick, or decorative brick shall not be permitted as a building material for nonresidential structures.
3. Brick Face: A precast panel with a cavity cast in, or a plate cast in if the brick runs to the bottom of the edge so that the brick can be set in the panel after its removal from the form.
4. Cast Stone: A finish achieved by ramming moist zero slump concrete against smooth rigid formwork until the product is densely compacted and ready for removal from the form. After curing, the panel may be hand rubbed or acid etched.
5. Exposed Aggregate: A finish achieved by:

- a. Casting against a form surface that has been painted with retarder that retards the set of the concrete at its surface.
 - b. Application of a chemical retarder to the surface of the form. The retarder prevents the matrix from hardening at the surface of the panel to a specific depth, controlled by the strength of the retarder. After curing, the unhardened layer of matrix at the surface of the panel is removed by a high pressure water washing, thus, exposing the aggregate used in the concrete.
 - c. Casting concrete against a smooth hard surface. After removal from the form, the finished surface is sandblasted to remove the matrix and expose, as well as etch, the coarse aggregate.
6. Form Liners: A finish achieved by the use of plaster, rubber, grained wood, rope or other material as a liner in the casting form to impart a particular finish to the face of the panel.
 7. Light Sandblast: A finish achieved by casting concrete against a smooth, hard surface. After removal from the form, the element is given a light sandblasting removing the cement skin from the surface resulting in a smooth, sand textured surface.
 8. Natural Stone Veneer: A finish achieved by placing natural stone pieces into a form and casting concrete behind it resulting in a precast panel having a natural stone face.
 9. Smooth as Cast: Concrete placed against a hard, smooth formwork to achieve a smooth "as cast" finish on the precast element.
 10. Tooled: A finish achieved by casting concrete against a smooth or specifically textured or patterned formwork. After removal from the form, the hardened surface is treated mechanically to create the desired effect such as "fractured fin" or "bush hammered".

Building Setback: The minimum horizontal distance between the building and the lot line.

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

- C. **Carport:** A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on one (1) or more sides.

Cellar: That portion of a building between the floor and ceiling which is wholly or partly below grade and is 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.

Cemetery: A site or property set apart for the burial or interment of the dead.

Channel: A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

Church: A building, together with its accessory buildings and use; where persons regularly assemble for religious purposes and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

City Council: The governing body for the City of Otsego.

Clear Cutting: The removal of an entire stand of trees and/or vegetation.

Club or Lodge: A non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests.

Cluster Development: The development patterns and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a planned unit development.

Commercial Recreation: Bowling alley, cart track, golf, billiards (pool) hall, dance hall, skating, firearms range, boat rental, amusement rides, campgrounds, private park, and similar uses.

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Commercial Stable: An agricultural use involving the keeping horses or other farm animals, in numbers that do not constitute an animal feedlot, by providing services and facilities for boarding and care of animals not belonging to the property owner or tenant, breeding, and recreational or therapeutic riding programs for hire as part of a commercial enterprise.

Common Open Space: Any privately owned open space including private parks, nature areas, playgrounds, trails, and recreational buildings and structures which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

Community Center: A building or a room or group of rooms within a building designed specifically as a gathering place for the general public or for a specific segment of the general public and operated on a non-profit basis.

Comprehensive Plan: A comprehensive plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general

physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Concept Plan: A report in map and text form submitted as the first phase of a Planned Unit Development (PUD) proposal, depicting the location, general purpose, general type of land use and circulation patterns, primary relationships between site elements and between the proposed development and surrounding development, proposed general schedule of development, and information on the applicant.

Conditional Use: Those occupations, vocations, skills, arts, businesses, professions, or uses and/or related building/ structures, or improvements specifically designated in each zoning use district or by this Chapter, which for the respective conduct or performance may require reasonable, but special, peculiar, unusual or extraordinary limitations facilities, plans, structures, conditions, modification, or regulations for the promotion or preservation of the general public welfare, health, convenience and the integrity of the City Comprehensive Plan and this Chapter.

Conditional Use Permit: A permit issued by the City Council in accordance with procedures specified in this Chapter, as a flexibility device to enable the City Council to assign dimensions to a proposed use or development or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Condominium: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.A.1-101 to 515.A.4-118.

Convenience (Fast) Food Establishment: An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises. (See also Drive-In Restaurant)

Cooperative (Housing): A multiple family dwelling owned and maintained by the residents and subject to the provisions of MS 290.09 and 290.13. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupancy ownership.

Curb Level: The elevation of the established curb in front of a building measured at the center of such front. Where no curb level has been established, the City Engineer shall determine a curb level or its equivalent for the purpose of this Chapter.

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D. **Day Care Facility:** Any facility licensed by the State Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or

developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home:

1. **Day Care, In-Home:** Any State licensed facility where child care is provided to fourteen (14) or fewer children in the principal residence, as regulated by Minnesota State Statutes and Minnesota Rules.
2. **Group Day Care Center:** Any location other than a residence which provides care for six (6) or more unrelated children at one time, for compensation, and which is licensed to provide such services by the Minnesota Department of Human Services. This term shall include, but is not limited to, uses such as nursery schools, day nurseries, child care centers and drop-in care centers.

Deck: 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, Residential: A number expressing the relationship of the number of dwellings to an acre of land as established in the Comprehensive Plan.

Deposition: Any rock, soil, gravel, sand or other material deposited naturally or by man into a water body, watercourse, floodplains or wetlands.

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Distillery: A facility that produces ethyl alcohol, hydrated oxide of ethyl, sprits of wine, whiskey, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof for non-industrial use.

Diversión: A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

Draining: The removal of surface water or groundwater from land.

Dredging: To enlarge or clean-out a water body, watercourse, or wetland.

Drive-in Restaurant: Any place or premises used for sale, dispensing or serving of food, refreshments or beverages on the premises, typically eaten in the customers vehicle. (See also Convenience (Fast) Food Establishment)

Dwelling: A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, but not including hotels, motels, boarding houses, or manufactured housing.

Dwelling, Multiple (Apartment): A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways and main entrances and exits. A two-family dwelling (duplex) with a separate rooming unit(s) shall be considered and classified as a multiple family dwelling.

Dwelling, Single-Family: A dwelling unit designed exclusively for occupancy by one (1) family.

1. Attached: A dwelling which is joined to another at one or more sides by a party wall.
2. Detached: A dwelling unit not attached to another dwelling or structure or is entirely surrounding by open space.

Dwelling, Two-Family: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. A two-family dwelling (duplex) with a separate rooming unit(s) shall be considered and classified as a multi-family dwelling.

1. Double Bungalow: A two-family dwelling with two (2) units side-by-side.
2. Duplex: A two-family dwelling unit with one (1) unit above the other.

Dwelling Site: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit: A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, resorts, tourist homes, or trailers.

Dwelling Unit Occupancy: Occupancy of a dwelling unit for the purpose of enforcing provisions of this Chapter shall be limited by restrictions as included in the definition of family in this Section.

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Dwelling Unit, Temporary: A residence allowed for a specific time which is intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating. Temporary dwelling units shall not include garages, tents, or accessory buildings.

- E. **Earth Berm (House Construction):** An earth covering on the above grade portions of the building walls.

Earth Sheltered Building: A building so constructed that fifty (50) percent or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of the livable space in residential units and of usable space in non-residential buildings. An earth sheltered building is a complete structure that does not serve just as a foundation or sub-structure for above grade construction. A partially completed building shall not be considered earth sheltered.

Easement: A grant by an owner of land for a specific use by persons other than the owner.

Efficiency Apartment (Dwelling Unit): A one (1) room dwelling unit consisting of one (1) principal room having cooking facilities and used for combined living, dining and sleeping purposes.

Elderly (Senior Citizen) Housing: A public agency owned or controlled multiple dwelling building with open occupancy limited to persons over sixty-two (62) years of age.

Engineer: The registered engineer employed or retained by the City, unless otherwise stated.

Erosion: The wearing away of land surface by the action of natural elements.

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Essential Service: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Transmission/reception support structures and antennas shall not be considered an essential service.

Essential Service Structures: Structures and buildings necessary for the operation of essential services, including but not limited to: telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, lift stations.

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Excavation: Any removal of the natural surface of the earth, whether sod, dirt soil, sand, gravel, stone or other material creating a depression or depressions.

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Excavation for Transport: The practice of excavating material for transport of said material off of the land on which the excavation occurs that is not related to development for an approved subdivision or site plan.

Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Extractive Use: the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

F. **Family:** An individual or two (2) or more persons related by blood, marriage, adoption or a group of not more than three (3) persons who need not be related by blood or marriage living together in a dwelling unit. (The number of persons

herein defined are the basis upon which performance standards are established within this Chapter.)

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Farm: An unplatted tract of land containing at least ten (10) acres or more, or two (2) or more abutting parcels under the same ownership having an area of at least ten (10) acres, measured from the centerline of abutting roads, usually with a house and other buildings, which is principally used for commercial agricultural activities such as raising cash crops and/or livestock in numbers which do not constitute an animal feedlot, unless the operation is allowed to keep a larger number of animal pursuant to rights as specified in Sections 15 and 27 of this Chapter.

Farm - Hobby: A platted or unplatted tract of land generally consisting of ten (10) or less acres in size with a house and accessory buildings on which crops and often livestock are raised but not as a principal or major source of income. A hobby farm shall not qualify for exemptions provided in this Chapter for farms.

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Farm Winery: A winery operated by the owner of a Minnesota farm producing table, sparkling or fortified wines from grapes, grape juice, other fruit bases or honey with a majority of the ingredients produced on the premises.

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Farming: The process of operating a farm for the growing and harvesting of crops which shall include those necessary buildings, related to operating the farm, and the limited keeping of animals which does not constitute an animal feedlot, unless the operation is allowed to keep a larger number of animals pursuant to rights as specified in Sections 20-15 and 20-38 of this Chapter.

Farmstead: A dwelling unit surrounded by or connected to a farming operation, all under single ownership.

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Feedlot Related:

1. **Animal Feedlot Permit:** A permit issued by the Minnesota Pollution Control Agency (MPCA) when the potential pollution hazard will not be corrected within ten (10) months of the date of permit issuance or when manure is not used as domestic fertilizer. This permit shall contain such conditions and requirements as the agency deems necessary in order to insure compliance with applicable state rules.
2. **Animal Unit (AU):** A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this Chapter, the following equivalents shall apply:

<u>Animal</u>	<u>AU Per Animal</u>
One mature dairy cow	1.40
One slaughter steer or heifer	1.00
One horse	1.00
One swine over 55 pounds	.40
One duck	.20
One sheep	.10
One swine under 55 pounds	.05
One turkey	.018
One chicken	.01

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

3. Domestic Fertilizer:
 - a. Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or
 - b. Animal manure that is used as compost, soil conditioners or specialized plant beds.

4. Earthen Basin: A dike or excavated structure, often lined with clay or synthetic liner, in which manure is stored. The basin is emptied at least once each year. It is designed by a professional engineer or Natural Resources Conservation Service/Soil and Water Conservation District (NRCS/SWCD) technician.

5. Feedlot, Animal: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts, nor shall any area as above described which contains ten (10) animals units or less.

6. Feedlot, New Animal: An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five (5) years or more.

7. Feedlot, Operator: An individual, a corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.
8. Interim Permit: A permit issued by the MPCA which expires no later than ten (10) months from the date of issuance.
9. Lagoon: A manure treatment structure, typically earthen. Lagoons can be aerobic, anaerobic, or facultive depending on their design. An anaerobic lagoon is different from an earthen storage basin in that the lagoon is managed for manure treatment. Anaerobic lagoons are only partially emptied each year whereas earthen storage basins are emptied once or twice a year.
10. Manure, Animal: The fecal and urinary excretions of livestock and poultry. Manure can include bedding material and water used for livestock. Types of manure have descriptive names such as liquid, slurry and solid. Manure that has a content of more than ninety-six (96) percent moisture is liquid. Manure with a moisture content between ninety (90) and ninety-six (96) percent is referred to as slurry. A moisture content of less than eighty-four (84) percent is considered solid.
11. Pastures: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.

Fence: A fence is defined for the purpose of this Chapter as any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.

1. Fence, Boundary Line: All fences located within five (5) feet of a property line.
2. Fence, Interior Yard: All fences located five (5) feet from a property line.
3. Fence, Height: The distance from the adjacent finished grade to the highest projection of a fence structure, not including support posts, provided that the support posts are no more than four (4) inches above the fence structure.

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Filling: The act of depositing any rock, soil, gravel, sand or other material so as to fill natural topography, a water body, watercourse, or wetland.

Flood Related:

1. Equal Degree of Encroachment: Method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on

each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

2. FEMA: Federal Emergency Management Agency.
3. Flood: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
4. Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
5. Flood Fringe: That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City.
6. Flood Hazard Areas: The areas included in the floodway and flood fringe as indicated on the official Zoning Map and the Flood Insurance Study and Flood Insurance Rate Map which have been officially adopted by the City.
- 41 7. Flood Insurance Rate Map: The Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City and as applicable and allowed by law, the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for Wright County.
- 41 8. Flood Insurance Study: The Flood Insurance Study prepared for the City by the Federal Emergency Management Agency and, as applicable and allowed by law, the Flood Insurance Study prepared by the Federal Emergency Management Agency for Wright County.
9. Floodplain: The areas adjoining a watercourse which has been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
10. Floodproofing: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.
11. Floodway: The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
12. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building,

wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area 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, or that is placed where the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

13. 100-Year Flood: A flood which is representative of large regional 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 as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study.
14. Reach: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by the natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.
15. Regulatory Flood Protection Elevation: A point not less than one (1) foot above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study plus any increase in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Section are required to be elevated or flood-proofed.

Floor Area, Gross: The sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.

Frontage: That boundary of a lot which abuts an existing or dedicated public street, watercourse or similar barrier.

- G. **Garage, Private (Residential):** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles and non-commercial trucks not exceeding twelve thousand (12,000) pounds gross weight, of the family or families resident upon the premises, and in which no business service or industry is carried on unless specifically authorized by this Chapter.

Garage, Public: Any garage other than a private garage. May also mean parking ramp.

Gas Station: See Motor Fuel Station.

Governing Body: The Otsego City Council.

Grade (Adjacent Ground Elevation): The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and line five (5) feet from the building.

Grading: Changing the natural or existing topography of land.

Guest Room: A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

H. **Halfway House:** See Residential Facility.

Health Club: A facility which provides athletic activities such as tennis, handball, racquetball, track, basketball, exercise devices, etc. and such incidental services as whirlpool, sauna or massage service for members and guests.

8 **Heritage Preservation Commission:** The Otsego Heritage Preservation Commission.

8 **Heritage Preservation Site:** Any area, place, building, landmark, structure, lands, districts, or other objects which have been duly designated heritage preservation sites pursuant to Section 75 of this Chapter.

Home Extended Businesses: A business conducted as part of a residential use which is beyond the limits and scope of activities for home occupations as defined by this Chapter.

Home Occupation: Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

Hotel: Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more guest rooms, used, designated, or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Housing Shelter-Temporary Housing: A facility operated by the public or a non-profit charitable group or institution which provides one or more

transient/homeless persons with lodging and meals for short periods of time in a place other than a persons own home.

- I. **Impervious Surface:** An artificial or natural surface through which water, air, or roots cannot penetrate.

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Importation of Fill. The transport of sod, dirt soil, sand, gravel, stone or other material natural to the surface of the earth, but not including mixed municipal solid waste, construction debris, recyclable metal, plastic, glass or paper material or other waste, brought onto a land as part of a grading operation not related to development for an approved subdivision or site plan.

Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow it.

- J. **Junk Yard:** An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled; including but not limited to, scrap iron and other materials, paper rags, rubber, tires, lumber, and bottles. A junk yard includes an auto wrecking yard, but does not include uses established entirely within closed buildings nor sanitary land fills.

- K. **Kennel:** Any lot, premises, dwelling or dwelling unit in which three (3) or more dogs over the age of six months are kept, harbored, owned or otherwise possessed, either on a commercial basis or scale for boarding or breeding, or on a private basis for personal use, enjoyment or profit.

- L. **Landscaping:** Plantings such as trees, flowers, grass and shrubs and improvements directly related thereto.

Land Reclamation: The process of the re-establishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

Loading Space: A space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

Lodging Room: A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one (1) lodging room.

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Lot: A parcel or portion of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street.

Lot Area: The total land area of a horizontal plane within the lot lines.

Lot, Base: Lots meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling, townhome, or quadraminium unit lot subdivision.

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

Lot Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

Lot, Double Frontage: An interior lot having frontage on two (2) streets.

Lot, Front: The front of a lot shall be considered to be that boundary abutting a public right-of-way having the least width.

Lot Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Lot, Interior: A lot, other than a corner lot, including through or double frontage lots.

Lot Line: 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 Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

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Lot of Record: Any lot which is legally established according to applicable regulations at the time of its creation, which is one unit of a plat heretofore duly approved and filed, or one unit of an auditor's outlot or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditor's subdivision or registered land survey has been recorded in the Office of the Register of Deeds or Registrar of Titles for Wright County, Minnesota, prior to the effective date of this Chapter.

Lot, Reversed Frontage: A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may be a corner lot or an interior lot.

Lot, Substandard: A lot or parcel of land for which a deed has been recorded in the Office of the Wright County Recorder upon or prior to the effective date of this

Chapter which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Chapter.

Lot, Through: A lot fronting on two parallel streets.

Lot, Unit: Lots created from the subdivisions of a base lot for two-family dwelling, townhome, or quadraminium dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.

Lot, Width: The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum building setback line. If no setback line is established, the distance between the side lot lines measured along the public right-of-way.

- M. **Manor Home:** A residential structure with five (5) to eight (8) units with each unit having a separate entrance/exit. There may be more than one (1) floor and an attached garage space.

Manufactured Building: A manufactured building (or prefabricated structure) is any structure manufactured in accordance with the requirements of the Minnesota Prefabricated Structures and Manufactured Building Code promulgated in accordance with Minnesota Statutes section 16.852 and 16B.61 (State Building Code). (Ord. 766, 2-21-83)

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Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed 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 required by the secretary and complies with the standards established under this Chapter.

Manufactured Home Lot: A section of ground in a manufactured home park designated as the location of one housing unit, and all other necessary improvements required by this Section.

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Manufactured Home Park: Any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

Medical and Dental Clinics: A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

Metes and Bounds Description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

Micro-distillery: A distillery producing premium, distilled spirits in total quantity not to exceed forty thousand (40,000) proof gallons in a calendar year as regulated by Minnesota Statutes, as may be amended.

Minerals: Soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.

Mining: All or part of the process involved in the extraction of minerals by removing the overburden and extracting directly from the mineral deposits thereby exposed.

Mobile Home Subdivision: A subdivision containing a minimum of ten (10) lots, allowing both conventional homes and mobile homes. Existing subdivisions containing a minimum of thirty (30) percent mobile homes shall be defined as mobile home subdivisions.

Model Home: A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

Motel/Motor Hotel: A building or group of detached, semi-detached or attached buildings containing guest rooms 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 traveling by automobile.

Motor Freight Terminal: A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

Motor Fuel Station: 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 minor auto repair for automobiles, but not including automobile major repairs and rebuilding.

N. **Non-Conforming Structure, Use or Lot - Illegal:** A lot, building, structure, premise, lot, or use unlawfully established and in violation of regulations applicable at the time of development or initiation.

Non-Conforming Structure, Use or Lot - Legal: A lot, building, structure, premise, or use lawfully established prior to the adoption of this Chapter or any

amendment thereto which does not now conform with the applicable conditions or provisions of this Chapter for the district in which the structure or use is located.

Noxious Matter: Any solid, liquid, or gaseous material including but not limited to gases, vapors, odor, dusts, mists, or combinations thereof, the emission of which is detrimental to or endangers the public health, safety, comfort or general welfare or causes damage to property.

Nursery, Landscape: A business growing and selling trees, flowering and decorative plants, and shrubs.

Nursing Home: A private building with facilities for the care of children, the aged, or the infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury. The nursing home shall be licensed by the State Board of Health as provided for in Minnesota State Statutes.

- O. **Occupancy:** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Off-Street Parking Space: An area of such shape and dimensions as provided by this Chapter, enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one (1) motor vehicle, which has adequate access to a public street or alley, and permitting satisfactory ingress and egress of an automobile.

Open Sales Lot: Land devoted to the display of goods for purchase, sale, rent, lease or trade where such goods are not enclosed within a building, and for the storage of same prior to sale.

Open Space: Any open area not covered by structures, but not limited to the following uses: required or established yard areas, parking areas, sidewalks, school walks, trails, recreation areas, water bodies, shorelands, watercourses, wetlands, groundwater recharge areas, floodplain, floodway, flood fringe, erodible slopes, woodland, and soils with severe limitation for development.

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Open Space Cluster Development Related:

1. Building Envelope. The boundaries on a home site lot within which all construction requiring a building permit may occur.
2. Cluster; Cluster Development; Neighborhood Cluster. A grouping of residential or other structures arranged with the expressed intent of preserving open spaces and natural resources for community use, establishing a sense of community among residents, and reducing the costs and impact of infrastructure development and service delivery.

3. **Neighborhood.** A district, or area, distinguishable by some identifiable feature or point of reference, in which people live in close proximity to one another.
4. **Open Space.** Undeveloped land of the subdivided property providing visual expanses and recreational areas clear of obstructions other than natural vegetation, or structures directly related to the use and enjoyment of these spaces. Open spaces may include natural habitats, places for neighborhood recreation, and pedestrian corridors.
5. **Open Space, Natural Habitat.** Contiguous, connected areas preserved or restored in their natural condition where indigenous plants and animals live or fields and pastures associated with agricultural uses.
6. **Open Space, Neighborhood Recreation.** Specific areas, such as playground parks, greens, and commons, spatially defined and maintained for human recreational activity.
7. **Open Space, Pedestrian Corridors.** Linear areas for pedestrian travel between open spaces or places of destination, such as walking trails and bicycle paths.
8. **Open Space, View Shed.** A directional view or vista of an open space from a specified location.

Open Storage: Storage of material outside of a building.

Out-Patient Care: Medical examination or service available to the public. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

Overburden: The earth, rock and other materials that lie above a natural deposit of mineral.

Outlot: A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit shall be issued.

Owner: An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

P. **Parcel:** An individual lot or tract of land.

Party Wall: A common wall which divides two (2) independent structures by a fire wall.

Pawn Shop: The location at which or premises in which a pawnbroker regularly conducts business.

Performance Standard: Criterion established for setbacks, fencing, landscaping, screening, drainage, accessory buildings, outside storage and to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat or other nuisance elements generated by or inherent in uses of land or buildings.

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

Person: Any individual or legal entity.

Planned Unit Development:

1. As a conditional use permit, a development procedure whereby internal site design standard deviations from this Section may be allowed in order to accommodate two (2) or more principal structures, and/or facilities improved site design and operation.
2. As a zoning district, a development procedure whereby a mixing of buildings and uses can occur which cannot be otherwise addressed under this Section, and/or whereby internal site design standard deviations from this Section may be allowed to improve site design and operation.

Planning Commission: The Otsego Planning Commission.

Pole Buildings: Any structure possessing the following characteristics: structural wood poles or timbers buried in ground on individual footings; metal wall coverings hung vertically of less than twenty-eight (28) gauge. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities, or any similar structure not covering or enclosing a specific area.

Prefabricated Home: See Manufactured Home.

Prefabricated Structure: See Manufactured Building.

Principal Use: The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be a permitted, interim, or conditional.

Processing Facility: A building or enclosed space used for the collection and processing of recyclable materials. Processing does not include end-use manufacturing or industrial use but may include the preparation of material for efficient shipment or end-user's specifications, by such means as baling,

briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

1. A light processing facility occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two (2) outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
2. A heavy processing facility is any processing facility other than a light processing facility and may shred, compact, or bale ferrous metals other than food and beverage containers.

Protective Covenants: Contracts entered into between all owners and holders of mortgage constituting a restriction on the use of property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of property value and economic integrity of any given area.

Public Uses: Uses owned or operated by municipal, school districts, county, state, or other governmental units.

Public Utility: Any person, firm, corporation, municipal department or board fully authorized and furnishing under municipal regulation to the public electricity, gas, steam, communication services, telegraph services, transportation, water or the like.

Publication: Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.

- Q. **Quadraminiums:** Single structures which contain four (4) subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.
- R. **Railroad Right-of-Way:** A strip of land with railway tracks and auxiliary facilities for track operation.

Recreation, Field or Building: 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 Section.

Recreational Vehicle: Includes manufactured homes less than thirty-five (35) feet in overall length, including those with telescope or fold down, chassis, mounter campers, house cars, motor homes, tent trailers, slip-in-campers (those

mounted in a pickup truck or similar vehicle), converted buses, and converted vans used primarily for recreational purposes. Cars used for racing shall not be included within this definition.

Recyclable Materials: Materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, metals, automobile oil, batteries and other specifically allowed items. Refuse derived material or other material that is destroyed by incineration is not a recyclable material.

Recycling Facility: A center for the collection, processing or repair of recyclable materials for reuse in their original form or use in manufacturing processes. Recycling facilities may include the following:

1. Designated Recycling Center: A recycling facility which has complied with the permitting rules of the Pollution Control Agency and is open a minimum of 12 operating hours each week, 12 months per year, and accepts for recycling at least four different materials such as paper, glass, plastic, and metal.
2. Collection Facility: A place where the public may donate, redeem, or purchase, recyclable materials. Collection facilities may include vending machines, mobile units, unattended containers placed for the donation of recyclable materials and permanent structures.
 - a. Reverse Vending Machines: A reverse vending machine is an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.
 - b. Mobile Recycling Unit: A mobile recycling unit means an automobile, truck, trailer or van which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, used for the collection of recyclable materials.

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Residential Care Facility: A facility or program licensed by the State Department of Human Services or County Commissioner of Health that provides care in or outside of a person's own home:

1. Non-Residential Program: Care, supervision, rehabilitation, training or habilitation of a person outside the person's own home and provided for fewer than twenty-four (24) hours a day, including adult day care programs and chemical dependency or chemical abuse programs that are located in a nursing home or hospital and receive public funds for providing chemical abuse or chemical dependency treatment services

under Minnesota State Statutes Chapter 254B. Non-residential programs include home and community-based services and semi-independent living services for persons with developmental disabilities that are provided in or outside of a person's own home.

2. **Residential Program:** A program that provides twenty-four (24) hour a day care, supervision, food, lodging, rehabilitation, training, education, and habilitation for four (4) or more persons with developmental disabilities and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment programs under Minnesota State Statutes Chapter 254B. Residential programs include home and community-based services for persons with developmental disabilities that are provided in or outside of a person's own home.
3. **Boarding Care Home:** A licensed facility or unit used to provide care for aged or infirmed persons who require only personal or custodial care and related services in accordance with these regulations. A boarding care home license is required if the persons need or receive personal or custodial care only. Nursing services are not required. Examples of personal or custodial care: board, iron, laundry and personal services, supervision over medications which can be safely administered, plus a program of activities and supervision required by persons who are not capable of properly caring for themselves.

Restaurant: An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

Retail: The sale of items in small quantities directly to the consumer.

Roof Line: The top of the coping; or, when the building has a pitched roof, at the intersection of the outside wall with the roof.

Rural Service Area: That portion of the City, as defined by the Comprehensive Plan, which is currently and is intended to remain rural and agricultural in character and development.

- S. **School:** A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations.

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Second Hand Dealer: A person, partnership, firm or corporation whose regular business includes selling or receiving tangible personal property (excluding motor vehicles) previously used, rented, owned, or leased. The term second hand dealer shall include pawnbroker and antique shops.

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Secondary Use: A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.

Semi-Public Use: Uses owned by private or private non-profit organizations which are open to some, but not all, of the public, such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, churches, etc.

Septic Sewer System: A septic sewer disposal system consists of: septic tank, absorption field of standard trenches or a dry well, house sewer and outlet sewer. In the septic tank, bacterial action breaks down sewage. Standard trenches or a dry well handles final disposal of liquid from the septic tank. The house sewer brings wastes to the tank and the outlet sewer carries sewage liquids (effluent) from the absorption field.

Setback: The minimum horizontal distance between a structure and the property line nearest thereto; within Shoreland Districts it shall also mean the minimum horizontal distance between a structure or a sanitary facility and the normal high water mark. For purposes of earth shelter buildings only, above grade portions shall be used in determining setback requirements. Distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided herein after.

Sewage Treatment System: A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in the City Code.

Sewer System: 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: An integrated grouping of commercial stores, under single ownership or control.

Shoreland Related:

1. Bluff: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics. An area with an average slope of less than 18 percent over a distance for fifty (50) feet or more shall not be considered part of the bluff:
 - a. Part of all of the feature is located in a shoreland area.
 - b. The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body.
 - c. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater.
 - d. The slope must drain toward the water body.

2. Bluff Impact Zone: A bluff and land located within twenty (20) feet from the top of a bluff.
3. Boathouse: A structure designed and used solely for the storage of boats or boating equipment.
4. Commissioner: The Commissioner of the Department of Natural Resources.
5. Forest Land Conversion: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
6. Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
7. Ordinary High Water Level: 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.
8. Public Waters: Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivisions 14 and 15. However, no lake, pond, or flowage of less than ten (10) acres in size in municipalities and twenty-five (25) acres in size in unincorporated areas need be regulated for the purposes of parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from parts 6120.2500 to 6120.3900. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.
9. Sensitive Resource Management: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
10. Shore Impact Zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.
11. Shoreland: Land located within the following distances from public water: one thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (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.

12. Shoreland Commercial Planned Unit Developments: Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities.
13. Shoreland Residential Planned Unit Development: 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.
14. Significant Historic Site: 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 Minnesota Statutes, Section 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 Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
15. Steep Slope: 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 these regulations. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
16. Surface Water-Oriented Commercial Use: 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.
17. Toe of the Bluff: The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

18. Top of the Bluff: The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
19. Water-Oriented Accessory Structure or Facility: A small, above ground building or other improvement, except stairways, fences, dock, 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.

Sign Related:

1. Address Sign: A sign communicating only a street address.
2. Advertising Sign: Any permanent non-governmental sign advertising products, services, commodities, entertainment or other activity not offered at the location of the sign or not exclusively related to the premises on which the sign is located.
3. Alteration: Any change to a sign excluding routine maintenance, repair, painting or change of copy of any existing sign.
4. Area Identification Sign: A freestanding sign identifying the name of a single family residential subdivision consisting of twenty (20) or more lots; a residential planned unit development; a multiple residential complex consisting of three (3) or more structures; an office or business structure or development containing three (3) or more independent operations; a single business consisting of three (3) or more separate structures; a manufactured home court; or any integrated combination of the above.
5. Artificial Light: Illumination resulting from internal or external artificial light sources, including glare and reflected light byproducts of artificial light sources.
6. Awning, Canopy or Marquee Sign: A written or graphic message, identification or advertisement, as part of or permanently or semi-permanently affixed to an awning, canopy, marquee or other similar device. Where lighting is incorporated with the awning, canopy or marquee, the apparatus shall not be construed as a sign exclusive of the area physically designed to form the message, identification or advertisement thereto.
7. Balloon Sign: A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air
8. Banners: Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

9. Billboard: An off-site sign used to advertise products, goods, or services not exclusively related to the premise on which the sign is located. An advertising sign.
10. Building Facade: That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
11. Business Sign: Any sign which identifies a specific business, either retail, wholesale, or industrial, or which identifies a profession and is located upon the subject property.
12. Campaign Sign: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted on at a governmental election.
13. Canopy Sign: See Awning.
- 68 14. Changeable Copy Sign: A sign or portion thereof that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, illustrations, letters or numbers that can be changed or rearranged without altering the face or surface of the sign structure.
- 68 15. Changeable Copy Sign, Electronic: A sign or portion thereof that displays electronic, nonpictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or objects. Electronic changeable copy signs do not include official signs.
- 61 16. Commercial Speech: Speech advertising a business, profession, commodity, service or entertainment intended for, characteristic of or related to commerce.
17. Construction Sign: A sign at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.
18. Copy: The wording on a sign surface either permanent or removable letter form.

19. Crop Demonstration Sign: A sign identifying agricultural products utilized upon the subject property.
20. Directional Sign: A sign erected with the address and/or name only of a business, development project, institution, church or other use or activity plus directional arrows or information on location.
21. Directory Sign, Private: An exterior information wall sign, or a free-standing sign identifying the names of residences, businesses or professional offices served by a common public entrance such as an apartment complex, shopping center, or office building.
22. Directory Sign, Public: A sign, group of signs on a sign panel or any identifiable object intended to communicate a public message or direction when located on public property as may be approved by the Otsego City Council.
23. Double Sided Sign: A sign with two faces back to back, or a V-type sign with an angle not exceeding twenty (20) degrees. Only one side of a double sided sign shall be used in computing total surface area.
- 68 24. Dynamic Display: Any characteristics of a sign that appear to have movement or that appear 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 or any other component of the sign. This includes displays that incorporate technology or methods allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components as well as any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images or displays.
- 68 25. Electronic Graphic Display Sign: A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.
26. Farm Identification Sign: A sign identifying the name and/or type of farming activity practices upon the subject property.

- 68 27. Flashing Sign: A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling.
28. Freestanding Sign: A self-supported sign not affixed to another structure.
- 51 29. Freeway Corridor Sign District: A special signing district encompassing the following areas:
- a. Land located within two thousand six hundred forty (2,640) feet of Interstate 94 right-of-way.
 - b. Land located within six hundred sixty (660) feet of the right-of-way for TH 101 or land within that area between the rights-of-way of Quaday Avenue and TH 101 and lands between the rights-of-way of Queens Avenue and TH 101, whichever is more restrictive.
30. Ground or Low Profile Sign: A sign that is intended to be incorporated into some form of landscaping design scheme or planter box, is not elevated from the ground by means of a pole or free-standing support structure, but is placed directly on the ground or on an interior planter base which is incorporated into such a design arrangement.
31. Historical Sign: A sign commemorating places of local, state, or national historical significance.
32. Holiday Sign: Signs or displays which contain or depict a message pertaining to a religious, national, state, or local holiday.
- 39 33. I-94 Corridor Sign District: A special signing district encompassing land located within two thousand six hundred forty (2,640) feet of the Interstate 94 right-of-way.
34. Identification Sign: A sign which identifies the business, owner, manager, resident, or address of the premises where the sign is located and which contains no other material.
35. Illuminated Sign: A sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.
36. Informational Sign: Any on-site sign giving information to employees, visitors, or delivery vehicles, but containing no advertising or identification.

37. Institutional Sign: A sign which identifies the name and other characteristics of a public or semi-public institution on the site where the sign is located.
38. Integral Sign: A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure.
39. Marquee: See canopy.
40. Maximum Height of Sign: The vertical distance from the base of the sign, or the grade of the road centerline, whichever is higher, to the top of the sign.
41. Menu Board: A sign containing a food price list for restaurant customers, but containing no advertising or identification.
42. Message Sign: A sign which allows for the graphic and/or verbal content to be changed, when desired, through electronic or manual methods.
43. Monument Sign: A block type sign structure not supported by poles or braces, but rather placed directly on the ground.
44. Motion Sign: Any sign which revolves, rotates, has moving parts, or gives illusion of motion.
- 68 45. Multivision Sign: Any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two (2) or more images.
- 61 46. Non-Commercial Speech: Dissemination of messages not classified as commercial speech that include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
47. Non-Profit Organization: A corporation formed under Chapter 317 of Minnesota State Statutes and which is formed for a purpose not involving pecuniary gain to its shareholders, or members and paying no dividends or other pecuniary enumeration, directly or indirectly, to its shareholders or members, or a community or civic group such as the Lion's Club, League of Women Voters, etc.
48. Parapet: A low wall which is located on a roof of a building will be known as a parapet for this Chapter.

49. Permitted Signs: Signs allowed with or without a permit.
50. Political Sign: A sign used exclusively to call attention to the candidacy of any individual or party for elective office which appears on the official ballot to be voted upon by the citizens of the City.
51. Portable Sign: A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device or structure. A temporary sign.
52. Principal Frontage: The wall of the principal building on a lot which fronts toward the principal public streets.
53. Prohibited Signs: Signs not allowed in the City.
54. Projecting Sign: A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.
55. Public Entrance: Any passage or opening which affords entry and access to the general public or customer.
56. Public Entrance, Common: A public entrance providing access for the utilization and benefit of two or more tenants or building occupants.
57. Public Signs: Signs on non-commercial nature and in the public interest, erected by, or on the order of a public officer in the performance of his or her public duty.
58. Pylon Sign: A freestanding sign mounted on top of a single post which is greater than ten (10) feet in height.
59. Reader Board: A message sign with an electronic changing message.
60. Real Estate Sign: A business sign placed upon a property advertising that particular property for sale, or for rent or for lease.
61. Real Estate Development Project Sign: A temporary business sign advertising a new subdivision or development.
62. Roof Line: The top of the coping or, when the building has a pitched roof, the intersection of the outside wall with the roof.
63. Roof Sign: A sign erected, constructed or attached wholly or in part upon or over the roof of a building.
64. Rummage Sale Sign: Temporary signs announcing a non-commercial rummage or garage sale.

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65. Shimmering Sign: A sign which reflects an oscillating sometimes distorted visual image.
 66. Sign: The use of any words, numerals, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, professional or business and are visible to the general public.
 67. Sign Area: The area within the marginal lines of the surface of a sign which bear the advertisement or, in the case of messages, figures or symbols attached directly to a building or sign structure, that area which is included in the smallest rectangle or series of geometric figures used to circumscribe the message, figure or symbol displayed thereon.
 68. Sign Structure: The supports, uprights, bracing and framework for a sign including the sign area.
 69. Street Frontage: The proximity of a parcel of land to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) or more frontages.
 70. Temporary Sign: A sign erected or displayed for a specified period of time.
 71. Time and/or Temperature Sign: A sign that displays the current time and/or temperature without advertising material, company name, logo or other identifying marks.
 72. Total Allowable Sign Area: The maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated so as to create a surface area in excess of this requirement.
 73. Traffic Sign: A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.
 74. UL Approved: A device which has been approved by the "Underwriters' Laboratories (48)", a U.S. non-profit organization which establishes standards for electrical equipment.
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75. Video Display Sign: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable

copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

- 76. **Wall Sign:** A sign affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which it is attached, nor extend beyond the top of the parapet wall.
- 77. **Wall Graphics:** A sign painted directly on an exterior wall.
- 78. **Window Sign:** A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.

Site Plan: A map drawn to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, and walkways, as related to a proposed development.

Slope: Means the degree of deviation of a surface from the horizontal, usually, expressed in percent of degrees.

Solar Energy System: Any solar collector or other solar device or any structural design of a building whose primary purpose is to collect, convert and store solar energy for useful purposes including heating and cooling of buildings, domestic water heating, electric power generation and other energy using processes.

Stacking Area (Magazine Space): That are which allows for a line of automobiles in such instances as drive-up tellers and other vehicle service areas.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, including below ground portions of earth sheltered buildings, 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 unused under floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twenty (12) feet above grade as defined herein at any point, such basement or unused under floor space shall be considered as a story.

Street: A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

Street-Collector: Collector roadways connect neighborhood within and between sub-regions and distribute traffic between arterials and local streets. Parking is restricted as necessary and posted speed limits typically range between 30 and

45 mph. Collector streets typically should have two driving lanes, two parking lanes, and a bicycle/pedestrian surface if necessary. Collector streets are typically spaced 0.25-1.0 miles apart. Traffic control typically involves local street stops, four-way stops, and some traffic signals. Collectors typically carry 1,000 - 15,000 vehicles per day.

Street-Local: Local streets provide direct land access within neighborhoods and other homogeneous land use areas and provide connections to collector streets. Parking is usually unrestricted, the posted speed limit is 30 mph or less, and streets are two lanes wide plus space for parking. Traffic control is most likely to involve strategies such as stop signs, cul-de-sacs, and diverters. Local streets typically carry about 1,000 vehicles or less per day. Residential streets typically carry about ten (10) trips per household per day.

Street-Minor Arterial: Minor arterials connect adjacent sub-regions and activity centers within sub-regions. Land access is usually restricted and trips are somewhat longer than on collector streets. Parking is often restricted and the posted speed limit is 35-45 mph. Width is dependent on the volume carried. Minor arterials are typically spaced 0.5 - 2.0 miles apart. Traffic control typically includes traffic signal timing and land access spacing. Typical traffic volumes range from 5,000 to 30,000 ADT.

Street-Intermediate Arterial: Intermediate arterials function at a level between the minor arterial and major arterial categories. Intermediate arterials are not limited access facilities but serve primarily trips between rather than within sub-regions.

Street Pavement: The wearing or exposed surface of a street or roadway used by vehicular traffic.

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Street-Principal (Major) Arterial: Major arterials provide a high level of mobility between sub-regions, serving medium to long distance trips. Principal arterials are grade separated or have high capacity controlled at-grade intersections. No parking is permitted, the posted speed limit is typically 40-65 mph and traffic volumes range from 10,000 to 50,000 ADT. Major arterials are typically spaced one to three miles apart (see City Transportation Plan).

Street Width: The shortest distance between the lines delineating the right-of-way of a street.

Structure: 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. Among other things, structures include buildings, manufactured homes, walls, fences, swimming pools, billboards and poster panels.

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Structure, Public: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner

which is owned or rented, and operated by a federal, state, or local government agency.

Structural Alteration: Any change, other than incidental repairs, which would prolong, or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

Surveyor: A land surveyor registered under Minnesota State laws.

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Swimming Pool: Any pool, tank, depression or excavation in or above ground, including swimming pools, spas and hot tubs but not including stormwater facilities, which causes or has the capacity to retain water with a depth greater than thirty (30) inches and which is intended to be used by individuals for swimming, wading or immersion purposes.

T. ⁷³**Taproom:** An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery or an abutting property in common ownership of the brewer, which may include sales of malt liquor produced and packaged at the brewery for off-premises consumption as allowed by Minnesota Statutes, as may be amended.

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Tasting Room: An area for the on-sale consumption of distilled spirits or wine produced on the premises of or abutting a winery or distillery and in common ownership to the producer, which may include sales of beverages produced and packaged at the winery or distillery for off-premises consumption as may be allowed by Minnesota Statutes as may be amended.

Townhouses: Structure housing three (3) or more dwelling units contiguous to each other only by the sharing of one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple apartment structures.

Travel Trailer: Any vehicle or structure designed and used for human living quarters which meets all of the following qualifications:

1. Is not used as the permanent residence of the owner or occupant.
2. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities.
3. Is towed or otherwise transported by its own or by other motive power, on the public streets or highways incidental to such recreational or vacation activity.

The term "travel trailer" shall not include manufactured home. The term "travel trailer" shall include, but not be limited to, campers, camper tents, house trailers, camping trailers, travel trailers, tent trailers and any other self-propelled vehicle constructed to provide living accommodations. (See also the definition of "Recreation Vehicle".)

Travel Trailer Park: A part, court, camp site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodation for any trailers as defined herein, and upon which said trailers are parked. The term "travel trailer park" shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for the use of the park and its facilities or not. "Travel trailer park" shall not include automobile, mobile home or trailer sales lots on which unoccupied trailers or mobile homes are parked for purposes of inspection and sale.

Transportation Terminal: Taxi, air, train, bus and mass transit terminal and storage areas.

Triplex: Single structures which contain three (3) subdivided dwelling units all of which have individually separate entrances from the exterior of the structure.

Truck Stop: A motor fuel station devoted principally to the needs of trucks and which shall include eating and/or sleeping facilities.

- U. **Urban Service Area:** That portion of the City, as geographically defined by the Comprehensive Plan, which is or has the future potential for development at urban densities and/or urban uses and in which urban improvements may be required.

Use: 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.

Usable Open Space: 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 usable 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 and parking areas shall not constitute usable open space.

- 67 V. **Variance:** A modification of or variation from the provisions of this Chapter consistent with the Minnesota Statutes 462.357 as applied to a specific property and granted pursuant to the standards and procedures of this Chapter, except that a variance shall not be used for modification of the allowable uses within a district and shall not allow uses that are prohibited.

Veterinary Clinic: Those uses concerned with the diagnosis, treatment and medical care of animals including animal or pet hospitals.

- W. **Warehousing:** The storage of materials or equipment within an enclosed building.

Water Body: Means a body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basis that holds water and is surrounded by land.

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

Wetlands Related:

1. Act, Wetland: When not used in reference to a specific state or federal act, means the Wetland Conservation Act of 1991, Laws 1991, chapter 354, as amended by Laws 1993, chapter 175.
2. Activity, Wetland: Draining or filling a wetland wholly or partially.
3. Agricultural Land: For use in reference to exemptions, means land devoted to the production of horticultural, row, close grown, introduced pasture, introduced hayland crops, and growing nursery stock. For use in all other places in this chapter, agricultural land means land devoted to the production of horticultural, row, close grown, introduced pasture, and introduced hayland crops, and to the pasturing of livestock and dairy animals, growing nursery stock, and animal feedlots, and shall include contiguous land and buildings under the same ownership associated with the production of the above, for example, farmyards.
4. Agricultural Stabilization and Conservation Service or ASCS: An agency of the United States Department of Agriculture.
5. Aquaculture: To cultivate plants and animals in water for harvest, including hydroponics and raising fish in fish farms.
6. Best Management Practices: State-approved and published practices associated with draining, filling, or replacing wetlands that are capable of preventing and minimizing degradation of surface water and groundwater.
7. Board: The board of water and soil resources under Minnesota Statutes, section 103B.101.
8. City: The City of Otsego.
9. Commissioner: The Commissioner of the Department of Natural Resources.
10. Creation: Construction of wetlands in an area that was not wetlands in the past.

11. Day: Working days when used in a time period of 15 days or less and calendar days when used in a time period greater than 15 days. The day of the event shall not be used in counting any period of time.
12. Department: The Department of Natural Resources.
13. Ditch: An open channel to conduct the flow of water, as defined in Minnesota Statutes, section 103E.005, subdivision 8.
14. Drain or Wetland Drainage, Wetland: Any method for removing or diverting waters from wetlands. The methods shall include, but are not limited to, excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping.
15. Drainage System: A system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets.
16. Excavation: The displacement or removal of the sediment or other materials by any method.
17. Fill, Wetland: Any solid material added to or re-deposited in a wetland that would alter its cross-section or hydrological characteristics, obstruct flow patterns, change the wetland boundary, or convert the wetland to a non-wetland. It does not include posts and pilings for linear projects such as bridges, elevated walkways, or power line structures, or structures traditionally built on pilings such as docks and boathouses. It does include posts that result in bringing the wetland into a non-aquatic use or significantly altering the wetland's functions and values, such as the construction of office and industrial developments, parking structures, restaurants, stores, hotels, multifamily housing projects, and similar structures. It does not include slash or woody vegetation, if the slash or woody vegetation originated from vegetation growing in the wetland and does not impair the flow or circulation of water or the reach of the wetland.
18. Floodplain Wetland: A wetland located in the floodplain of a watercourse, with no well defined inlets or outlets, including tile systems, ditches, or natural watercourses. This may include the floodplain itself when it exhibits wetland characteristics.
19. Flow-Through Wetland: A wetland with both a well defined outlet and one or more well defined inlets, including tile systems, ditches or natural watercourses.
20. Hydric Soils: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

21. Hydrophytic Vegetation: Macrophytic 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.
22. Impact, Wetland: A loss in the quantity, quality, or biological diversity of a wetland caused by draining or filling.
23. Impacted Wetland: A wetland that has been drained or filled, partially or wholly, and is subject to replacement.
24. Infrastructure: Storm water and sanitary sewer piping, outfalls, inlets, street sub-base, roads, and ditches, culverts, bridges and any other work defined specifically by a local government unit as constituting a capital improvement.
25. Introduced Hayland: An area devoted to the production of forage and cultivated in a rotation of row crops or small grains or inter-seeded with introduced or native species at least twice during the ten-year period before January 1, 1991. The ten-year period may be enlarged to the 20-year period before January 1, 1991, upon clear evidence of the qualifying practice in Agricultural Stabilization and Conservation Service or other aerial photographs or records, or the affidavit of a plant ecologist certified by the Ecological Society of America. These areas must be harvested by mechanical methods at least two years during the period January 1, 1986 to January 1, 1991. These areas are considered to be in agricultural crop production.
26. Introduced Pasture: An area devoted to the production of forage and cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten-year period before January 1, 1991. The ten-year period may be enlarged to the 20-year period before January 1, 1991, upon clear evidence of the qualifying practice in Agricultural Stabilization and Conservation Service or other aerial photographs or records, or the affidavit of a plant ecologist certified by the Ecological Society of America. These areas must be harvested by mechanical methods at least two years during the period January 1, 1986 to January 1, 1991. These areas are considered to be in agricultural crop production.
27. Isolated Wetland: A wetland without well defined inlets or outlets, including tile systems, ditches, or natural watercourses.
28. Landowner, Wetland: A person or entity having the rights necessary to drain or fill a wetland, or to establish and maintain a replacement or banked wetland. Typically, the landowner is a fee title owner or a holder of an easement, license, lease, or rental agreement providing the necessary rights. The right must not be limited by a lien or other encumbrance that could override the obligations assumed with the replacement or banking of a wetland.

29. Mining: Any of the following activities:
 - A. Any removal of the exposed layer of the earth's surface or the removal of any layer of soil under the exposed layer of the earth's surface, whether sod, dirt, topsoil, sand, gravel, soil, stone or minerals performed with the intent of moving the same to another site as a raw material or processed product.
 - B. The removal of peat and metallic minerals as provided in Minnesota Statutes, sections 93.461 and 93.481.
30. Non-Degraded Wetland: A wetland that has not been partially drained or filled by human activities.
31. Pasture: Land used for grazing by domestic livestock.
32. Peace Officer: The meaning given it in Minnesota Statutes, Section 626.84.
33. Project: An action or series of actions necessary to accomplish an ultimate purpose and that will cause a physical manipulation of the environment, directly or indirectly. Draining or filling of wetlands may be a component of a project.
34. Project-Specific: The applicant for the replacement plan approval will construct the replacement as part of the project, rather than obtain the replacement from a wetland bank.
35. Public Transportation Project: A project conducted by a public agency involving transportation facilities open to the public.
36. Public Value of Wetlands: The public benefit and use of wetlands for water quality, floodwater retention, public recreation, commercial uses, and other public uses.
37. Public Waters Wetlands: All types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), that were inventoried by the department as public waters under Minnesota Statutes, section 103G.201.
38. Replacement Wetland: A wetland restored or created to replace public values lost at an impacted wetland.
39. Restoration: Reestablishment of an area that was historically wetlands but currently provides no or minimal wetland functions due to manmade alteration such as filling or drainage.

40. Right-of-Way Acreage: The meaning given it in Minnesota Statutes, Section 103E.285, Subdivision 6.
41. Riverine Wetland: A wetland contained within the banks of a channel that may contain moving water or that forms a connecting link between two bodies of standing water.
42. Set Aside: The cropland acreage annually retired as a condition to landowner participation in United States Department of Agriculture commodity programs.
43. Silviculture: The scientific management of forest trees.
44. Soil and Water Conservation District: A legal subdivision of state government under Minnesota Statutes, Chapter 103C.
45. Soil Conservation Service: A legal subdivision of state government under Minnesota Statutes, chapter 103C.
46. Tributary Wetland: A wetland with a well defined outlet, including tile systems, ditches, or natural watercourses, but without a well defined inlet.
47. Utility: A sanitary sewer, storm sewer, potable water distribution and transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications.
48. Watershed: The 81 major watershed units delineated by the map "State of Minnesota Watershed Boundaries - 1979" as produced by the Minnesota Department of Natural Resources, Office of Planning and Research, Water Policy Planning Program, with funding from the Legislative Commission on Minnesota Resources.
49. Watershed Management Organization: A watershed district wholly within the metropolitan area or a joint powers entity established wholly or partly within the metropolitan area by special law or by agreement that performs some or all of the functions of a watershed district for a watershed and that has the characteristics and the authority specified under Minnesota Statutes, section 103B.211. Lake improvement or conservation districts are not watershed management organizations.
50. Wetlands: A wetland, the wetland, or wetland area.
 - A. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this subpart, wetlands must:

- (1) Have a predominance of hydric soils;
 - (2) Be 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 saturated soil conditions; and
 - (3) Under normal circumstances, support a prevalence of hydrophytic vegetation.
- B. A distinct hydrologic feature with characteristics of item A, surrounded by non-wetland and including all contiguous wetland types, except those connected solely by riverine wetlands. "Wetland area" means a portion of "a wetland" or "the wetland".
- C. Wetlands does not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota Statutes, section 103G.201.
51. Wetlands in a Cultivated Field: A wetland where greater than 50 percent of its boundary abuts land that was in agricultural crop production in six of the ten years before January 1, 1991.
52. Wetlands Located on Agricultural Land: A wetland where greater than 50 percent of its boundary abuts agricultural land.

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Wild and Scenic Recreational River District Related: The following definitions shall apply only to Section 20-74 of this Ordinance which establishes standards for development within the Wild and Scenic Recreational River District:

1. Bluff line: A line along the top of a slope connecting the points at which the slope becomes less than thirteen (13) percent. This applies to those slopes within the land use district which are beyond the setback provision from the ordinary high water level.
2. Commissioner: The Commissioner of the Department of Natural Resources.
3. Open Space Recreational Uses: Recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.
4. Ordinary High Water Level: An elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the ordinary high water level is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.

5. **Planned Cluster Development:** A pattern of subdivision development which places housing units into compact groupings while providing a commonly owned or dedicated open space.
6. **Selective Cutting:** The removal of single scattered trees.
7. **Setback:** The minimum horizontal distance between a structure and the ordinary high water level, bluff line, road or highway, for purposes of the WSRR District, this definition supersedes the setback definition in 20-2-2.
8. **Single Family Dwelling:** A detached building containing one dwelling unit.

Wind Energy Conversion System (WECS): Any device that is designed to convert wind power to another form of energy such as electricity, mechanical or heat (also referred to by such common names of wind charge, wind turbine and windmill).

Wholesaling: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

- Y. **Yard:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the mean horizontal distance between the lot line and main building shall be used.

Yard, Depth of: The mean horizontal distance between the line of a building and the lot line.

Yard, Front: The front yard of a lot shall be considered to be the area extending along the full length of a front lot line between side lot lines and to the depth of the front line of the principal building.

Yard, Rear: A space extending between the rear line of the main building and the rear line of the lot and extending the full width of the lot.

Yard, Required: That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

Yard, Side: A yard between the principal building and the side line of the lot extending from the front lot line of the lot to the rear yard.

Yard Waste Compost Facility: A site used to compost yard waste materials, including all structures or processing equipment used to control drainage; collect and treat leachate; and storage areas for the incoming waste, the final product, and residuals resulting from the composing process.

Yard Waste Materials: Garden wastes, leaves, lawn cuttings, weeds and prunings generated by residential or commercial properties.

- Z. **Zero Lot Line:** The reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line, no portion of the structure or accessory appurtenance shall project over the lot line.

Zoning Administrator: The duly appointed officer charged with the administration and enforcement of this Chapter.

Zoning Amendment: A change authorized by the City either text of this Chapter or in the mapped boundaries of the district.

Zoning District: An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Chapter.

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Zoning District Overlay: A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations. In the case of a conflict of said regulations the more restrictive shall apply.

Zoning District Underlying (Base): All zoning districts except overlay zoning districts.

Zoning Map: The map or maps incorporated into this Chapter as part thereof, designating the zoning districts.