

**Chapter 2**  
**RULES AND DEFINITIONS**

**SECTION:**

XX-2-1: Rules

XX-2-2: Definitions

**XX-2-1: RULES:** The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word "shall" is mandatory while the word "may" is permissive.
- D. The masculine gender includes the feminine and neutral.
- E. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- F. For terminology not defined in this ordinance, the Minnesota state building code, or the Webster's dictionary shall be used to define such terms. (Ord. 900, 18 Apr 22)

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

**Accessory Structure:** A structure which is customarily incidental and subordinate to, the principal use of a property, and which is located on the same lot as the principal structure.

**Accessory Use:** A use that is ancillary to the principal use of a property.

**Activities Requiring Rural Isolation:** Recreational, educational, institutional, or religious facilities or activities that require a location in a rural area because of a need for seclusion or a natural setting or a large area of land.

**Adult-Only Bookstore:** An establishment having at least 10 percent of its stock in trade, as measured by retail value, books, magazines, video tapes, computer software, films for sale or viewing on the premises by use of motion picture devices, computers, televisions, video cassette recorders or other coin-operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

**Adults-Only Motion Picture Theater:** An enclosed building used regularly and routinely for presenting programs, or material distinguished or characterized by an emphasis on matter depicting or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, for observation by patrons therein.

**Adult Entertainment Center:** An enclosed building or a part of an enclosed building wherein may be observed nudity, sexual conduct, sexual excitement or sadomasochistic abuse and/or one or more live persons unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, or genitals.

**Agriculture:** Animal husbandry, tree nurseries, orchards, and the cultivation of soil for crops with the intention of making a cash profit.

**Agricultural Building:** A structure that is: (1) On agricultural land as determined by the governing assessor for the town or county under State Statute Section 273.13, subdivision 23; and (2) Designed, constructed, and used to house farm implements, livestock, or agricultural products under section 273.13, subdivision 23; and (3) Used for agricultural purposes by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

**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 shall have been produced by the same farm entity as the entity operating the drying or storage facility.

**Animal Unit (AU):** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting value for the total number of animal units. The following multiplication factors shall apply:

BALDWIN TOWNSHIP ZONING ORDINANCE

Dairy Cattle	One mature cow (milked or dry)	Over 1,000 pounds	1.4 animal unit
		Under 1,000 pounds	1.0 animal unit
	One heifer		0.7 animal unit
	One calf		0.2 animal unit
Beef Cattle	One slaughter steer or stock cow		1.0 animal unit
	One feeder cattle stocker or backgrounding		0.7 animal unit
	One heifer		0.7 animal unit
	One cow and one calf pair		1.2 animal unit
	One calf		0.2 animal unit
Swine	One head	Over 300 pounds	0.4 animal unit
		55 to 300 pounds	0.3 animal unit
		Under 55 pounds	0.05 animal unit
Horse			1.0 animal unit
One Sheep or lamb			0.1 animal unit
Chickens	One laying hen or broiler; liquid manure		0.033 animal unit
	One laying hen or broiler; dry manure	Over 5 pounds	0.005 animal unit
		Under 5 pounds	0.003 animal unit
One Turkey	Over 5 pounds		0.018 animal unit
	Under 5 pounds		0.005 animal unit
One Duck			0.01 animal unit
Animals not listed			Average weight in pounds/1,000 = animal unit

**Antenna** That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electronically conductive rods or elements. It includes, but is not limited to personal wireless service, microwave, radio and television broadcasting and transmitting and receiving, and shortwave radio equipment.

**Antenna Support Structure:** Any pole, telescoping mast, tower, tripod, or any other structure that supports a device used in the transmitting or receiving of electromagnetic energy.

**Aquaculture:** The use of water or a combination of land and water for the growing, raising, feeding, breeding, or holding of aquatic plants or animals and activities appurtenant thereto.

**Asphalt and Concrete Mixing Plants, Portable:** A temporary facility crushing, washing, refining, or processing of sand, gravel, and rock on the site for grading, excavating or filling uses, or in conjunction with a road project.

**Attorney:** The person designated by the town board to be the attorney for Baldwin Township.

**Auction Business:** A building, area or areas within a building used for the regularly scheduled public sale of goods, wares, merchandise, or equipment to the highest bidder, excluding farm auctions, estate sales, garage sales, or similar on-site events.

**Automobile Repair Shop:** Any building or premises or portion thereof, used or intended to be used for motor vehicle repair, that may have minor retail sales.

**Automobile Service Station:** Any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sale of automobile fuels, which activity may be accompanied by accessory uses such as sale of lubricants, tires, accessories or supplies, or minor repairing of automobiles.

**Automobile or Trailer Sales Lot:** An open area other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

**Automobile Wrecking, Salvage Yard:** The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

**Bed-and-Breakfast Establishment:** A structure designed and used as a residence in which one or more bedrooms are rented to transient guests on a day-to-day basis and in which meals are served to these overnight guests.

**Best Management Practices (BMPs):** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. Best management practices also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Billboard:** See advertising sign.

**Bluff, Shoreland District:** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff): (1) part or all of the feature is located in a shoreland area; (2) the slope rises at least 25 feet above the ordinary high water level of the waterbody; (3) the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and (4) the slope shall drain toward the waterbody.

**Bluff, Wild and Scenic River District:** A slope on any slope greater than 13% (13 feet vertical rise in 100' horizontal distance).

**Bluff Impact Zone:** A bluff and land located within 20 feet from the top of a bluff.

**Bluffline, Wild and Scenic District:** A line along the top of a slope connecting the points at which the slope becomes less than 13 percent.

**Boarding House:** A dwelling where meals or lodging, or both, are provided for compensation to three or more persons, who are not transients, by prearrangement for definite periods, in contradistinction to hotels and motels as herein defined.

**Boathouse:** A structure designed and used solely for the storage of boats or boating equipment.

**Buffer:** The use of land, topography (differences in elevation), space, fences, or landscape plantings to screen or partially screen a tract of property from another tract or property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.

**Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

**Building Height:** The vertical distance between the highest adjoining ground level at the building or 10 feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or to the mid-point of the highest gable of a pitched or hipped roof.

**Building Line:** An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the earth.

**Building Official:** The person designated by the town board to be the building official for Baldwin Township.

**Buildable Lot Area:** The minimum contiguous area meeting the area requirements of the applicable zoning district and having the minimum contiguous area at least three feet above the highest known water table remaining on a lot or parcel of land after all public road rights-of way, all easements, setbacks, and wetlands are subtracted. In the Shoreland District, all land below the ordinary high water level of public waters, bluffs, areas with slopes greater than 18 percent, and floodways shall also be subtracted. Land where other legal or ordinance restrictions exist, which would prevent or prohibit the placement of a structure shall also be subtracted.

**Business:** Any occupation, employment, or enterprise wherein merchandise is exhibited or sold or rented, or which occupies time, attention, labor, or materials, or where services are offered for compensation.

**Business Sign:** A sign that only pertains to the use of the premise on which it is located.

**Camouflaged Tower:** A tower constructed to simulate a natural feature, such as a tree, thereby reducing the aesthetic impact to the surrounding area.

**Campground, Recreational:** Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents, live in fish houses, recreational camping vehicles, or park trailers free of charge or for compensation. Ancillary uses of a campground may include storm shelters, bathrooms, clubhouse, swimming pool, maintenance facilities, and other uses as determined by the zoning administrator. Recreational campgrounds exclude: (1) United States forest service camps (2) State forest service camps (3) State wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landings

**Cellar:** A portion of a building located partly or wholly underground and having half or more than half its clear floor to ceiling height below grade.

**Cemetery:** A parcel or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, mausoleums, and mortuaries when operated within the boundaries of such cemetery.

**Clinic:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians or dentists, or both, practicing together.

**Cluster Plat:** A grouping of residential structures on smaller lots than are typically allowed in the specific zoning district.

**Commercial Use:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**Commissioner:** The Commissioner of the department of natural resources.

**Common Open Space:** Land used for agriculture cropland, pasture, natural habitat, pedestrian corridors and / or recreational purposes that is either protected by a conservation easement, or limited to future development.

**Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indication that land-disturbing activities may occur.

**Comprehensive Plan:** The Baldwin Township comprehensive plan, which includes various chapters addressing land use, transportation, water system, sanitary sewer, water resources, wetland management, parks, trails and open space and capital improvements.

**Conditional Use.** A use, which because of special problems of control the use presents, requires reasonable, but special, unusual, and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the comprehensive plan.

**Conditional Use Permit:** A permit issued by the town board in accordance with procedures specified in this ordinance, as a flexibility device to enable the town board to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems that the proposed use present.

**Contractors' Yard:** A defined site or parcel of land used for the storage of vehicles, equipment, and materials by a person whose business is contracting work in any of the building trades such as: landscaping, road building, sewer installation, transport/hauling or a similar trade.

**Construction Activity:** A disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include a disturbance to the land of less than five (5) acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a stormwater control facility.

**Convenience Food Restaurant:** A business whose principal function is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises, and whose design or principal method of operation includes both of the following characteristics: (1) foods, frozen desserts, or beverages are usually served in edible containers or other disposable containers, (2) the customer is not served food at their table by an employee but receives it at a counter, window, or similar facility for carrying to another location on or off the premises for consumption.

**Convenience Store:** A store selling on a retail basis food for consumption off the premises along with other items, sometimes including gasoline; differentiated from a grocery store by its size of not more than 5,000 square feet.

**County:** Sherburne county.

**County Board:** The Sherburne county board of commissioners.

**Daycare, Commercial:** A licensed childcare facility that is not a family daycare defined herein.

**Daycare, Family:** A licensed facility permitted under Minnesota rules part 9502.0315, subpart 11 or successor rules and Minnesota rules part 9502.0315 or its successor.

**De Minimis:** The maximum wetland impacts allowed before wetland replacement is required.

**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.

**Dewatering:** The removal of surface or ground water to dry and/or solidify a construction site to enable construction activity. Dewatering may require a Minnesota department of natural resources water appropriation permit and, if dewatering water is contaminated, discharge of such water may require an individual MPCA NPDES/SDS permit.

**Directional Sign:** A sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas, which does not display advertising copy.

**Dwelling Single-Family:** A detached building designed for and occupied by not more than one family.

**Dwelling Unit:** A building or portion of a building including kitchen facilities permanently installed which are arranged, designed, used or intended for use as living quarters for one household.

**Dwelling, Detached:** A dwelling, including its attached garage, if any, which is entirely surrounded by open space on the same lot.

**Dwelling, Multiple-Family:** A building designed for or occupied by more than two families.



**Employee:** An individual who performs services for another for hire, regardless of whether wages, salary, benefits, or their equivalents are paid, whether under the direct control or indirect control (i.e. as an independent contractor) of another person or entity, 40 hours or more per calendar year on a given property.

**Erosion Prevention:** Measures employed to prevent erosion. Examples include but are not limited to: soil stabilization practices, limited grading, mulch, temporary erosion protection, or permanent cover, and construction phasing.

**Essential Services:** Overhead or underground electrical, gas, steam, or water transmission or distribution systems and structures, used by public utilities, rural electric cooperatives, or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings for the purpose of this ordinance and work. "Building" does not include "structure" for essential services.

**Excavation:** The extraction of sand, gravel, rock, soil, or other material from the land, which shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats utility, or road construction, or minor agricultural and sod removal.

**Exterior Storage:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed within 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 93.44 to 93.51.

**Family Day Care Home:** A single-family home, duplex, or apartment unit providing day care for no more than 10 children including the day care operator's children under five years of age.

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

**Fence:** Any partition, structure, wall, or gate erected as a dividing mark, barrier, or enclosure.

**Feedlot:** A confined area or building or combination of confined areas 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. Open lots for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

**Filling:** The act of depositing any rock, soil, gravel, sand, or other material to raise the existing elevation of a property.

**Final Stabilization:** All soil disturbing activities on the site or common plan of development have been completed, and that a uniform (evenly distributed, e. g. without large bare areas) perennial vegetative cover with a density of at least 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed, and that all temporary erosion control devices are removed, including silt fence, temporary sedimentation basins, and temporary standpipes. Simply sowing grass seed and/ or mulch is not considered final stabilization. Final stabilization of a common plan of development includes completion of building or home construction along with final restoration of all yards and adjacent drainage ways.

**Fire Prone Areas:** Fire prone areas are areas that contain natural conifer stands or conifer plantations, which due to flammability of the tree needles, associated ground vegetation, accumulation of duff on the ground, and presence of drought soils, pose a great potential for rapidly spreading wildfires.

**Fish House:** A portable structure constructed and maintained for the purpose of providing shelter during ice fishing.

**Fish House, Dead Storage:** Fish houses which are not used as temporary residences during the off season.

**Flood Related:**

- A. Accessory Structure. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.
- B. Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.
- C. Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

- D. Basement. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- E. Building. See Flood Related; Structure.
- F. Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.
- G. Conditional Use. A land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
- H. Critical Facilities. Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in ASCE 24-14, Flood Resistant Design and Construction, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.
- I. Development. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- J. Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- K. FEMA. Federal Emergency Management Agency.
- L. Farm Fence. An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).
- M. Flood. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.
- N. Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE, as described in section XX-92-3.13 of this ordinance.
- O. Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

- P. Flood Insurance Study (FIS). The study referenced in section XX-92-3.B of this ordinance, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.
- Q. Floodplain. The beds, channel, and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
- R. Floodproofing. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- S. Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.
- T. Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.
- U. Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- V. New Construction. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.
- W. Principal Structure. The main building or other structure on a lot that is utilized for the property's principal use.
- X. Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- Y. Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

- Z. Regulatory Flood Protection Elevation (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.
- AA. Regulatory Floodplain. The geographic limits of the flood hazard areas regulated through this ordinance, which includes the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the Regulatory Flood Protection Elevation (RFPE).
- BB. Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- CC. Stage Increase. Any increase in the water surface elevation during the one percent annual chance flood caused by encroachments on the floodplain.
- DD. Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- EE. Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in section XX-92-10.22, shall also be considered a structure for the purposes of this ordinance.
- FF. Subdivision. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.
- GG. Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- HH. Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have

incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
  2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is defined in 44 CFR § 59.1.
- II. Variance. The same as that defined in 44 CFR § 59.1 and Minnesota Statutes 462.357, Subd. 6(2).
- JJ. Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

**Forest Land Conversion:** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

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

**Foster Family Home:** A family home where persons out of their own homes are cared for 24 hours a day for a period of 30 days or more.

**Frontage:** All the property fronting on one side of a road, measured along such road, between an intersecting road and another intersecting road, a right-of-way, waterway, end of a dead-end road, or municipal boundary.

**Garage, Private (Residential):** A detached accessory building or attached accessory portion of the principal building that is primarily intended for and used to store the private motor vehicles of the family resident upon the premises.

**Golf Course:** An area of land laid out for playing golf typically with a series of nine to 18 holes with tees, fairways, putting greens, and natural or manmade hazards. Term includes related practice, groundskeeping, and clubhouse or banquet facilities.

**Grade:** Shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

**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 feet from the building, between the building and a line five feet from the building.

**Grading:** Changing the natural or existing topography of land.

**Greenhouse:** An enclosed building, permanent or portable, which is used for the growing of small plants.

**Green Infrastructure:** The use of natural hydrologic features to manage water and provide environmental and community benefits.

**Group Home:** A specialized residential facility that provides care on a 24 hour basis for a selected group and providing specialized care and a planned treatment program under the direction and control of an agency, institution or independent operator.

**High Power Transmission Line:** A 69kv or greater electric transmission line with towers a minimum of 75 feet in height.

**Home Business:** Any occupation that is clearly incidental to the principal use of the homestead as a single family dwelling unit, is conducted in a building other than the dwelling, is conducted by a resident occupant, and does not change the character of the principal use.

**Home Occupation:** Any occupation that is clearly incidental to the principal use of the home as a single family dwelling unit, is conducted within the dwelling, is conducted by a resident occupant, and does not change the character of the principal use.

**Hospital:** An institution providing health services and medical or surgical care, primarily for in-patients, to three or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities.

**Hotel:** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house as herein defined.

**Household:** Any number of individuals living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as defined herein.

**Illicit Discharge:** Any direct or indirect non-storm water discharge to the public storm drain system.

**Illicit Connections:** Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the public storm drain system including, but not limited to, any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Impact (wetland):** A direct and/or indirect change to a wetland, including but not limited to draining, excavating, or filling.

**Impervious Surface:** A constructed hard surface that either prevents or impedes the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development including, but not limited to, rooftops, sidewalks, patios, storage areas, and concrete, asphalt, or gravel driveways.

**Improved Parking Surface:** An area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones, crush gravel, or other durable materials approved by the zoning administrator.

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

**Intensive Vegetation Clearing:** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**Intimate Parts:** Areas on the body of a human being include genitals, groin, inner thigh, buttocks, or breasts.

**Interim Use:** An allowed use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

**Interim Use Permit:** A permit issued in accordance with procedures specified in this ordinance, as a flexible device to enable the town board to assign termination limits and conditions to a proposed use after consideration of current or future adjacent uses and their functions.



**Kennel, Commercial:** Any place where four or more dogs over six months of age are owned, kept, boarded, bred, and / or offered for sale.

**Kennel, Private:** Any place where four or more dogs over six months of age are owned or kept for private enjoyment.

**Land Disturbing Activity:** Any excavating, grading, clearing, filling, or other disturbances of the soil of one acre or greater.

**Laundromat:** An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering purposes.

**Light Industry:** The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission that will disturb or endanger neighboring properties.

**Local Road:** A road of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

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

**Lot of Record:** A lot which is a part of a subdivision legally recorded with the county and parcels described by metes and bounds, the deed to which has been recorded in the county prior to the adoption of this ordinance.

**Lot Depth:** The mean horizontal distance between the front lot line and the rear lot line measured from a 90 degree angle from the road right-of-way within the lot boundaries.

**Lot Frontage:** The narrowest lot boundary abutting a public road that meets minimum lot width requirements. If none of the boundaries abutting a public road meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a road.

**Lot Width:** The shortest distance between lot lines measured at the building front setback line.

**Lot, Corner:** A lot abutting upon two or more roads at their intersection or junction or a lot bounded on two sides by a curving road where it is possible to draw two intersecting chords, one each commencing at each of the two points of intersection of the lot lines and road line, which intersect with each other to form an interior angle of less than 120 degrees.

**Lot, Through:** A lot fronting on two (2) parallel public roads.

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

**Manufactured (Mobile) Home:** A structure, transportable in one or more sections, which in the travelling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and 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. The term includes any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under state law.

**Manufactured (Mobile) Home Park:** A lot, parcel or tract of land designed, maintained, or intended for the purpose of supplying a location or accommodations for any mobile home.

**Manure, or Animal Manure:** Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.

**Manure Storage Area:** An area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and manure composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to Minnesota rule 7020.2000, Subp 3, are not manure storage areas.

**Massage Parlor:** An establishment or place primarily in the business of providing massage services.

**Meat Market:** A retail store supplying meat, poultry, and related food products where meat processing is limited to making cuts of meat from pre-processed carcasses.

**Metes and Bounds Description:** A description of real property that 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.

**Mini-Storage:** Facility used for the purposes of renting or leasing individual indoor storage space to occupants who are to have year-around access to such for the purposes of storing and removing personal property.

**Mining:** Refer to excavation.

**Motel:** A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with direct exterior access to individual living units for the exclusive use of the guests or occupants.

**Motor Vehicle:** Means every vehicle that is self-propelled including, but is not limited to, all-terrain vehicles, buses, motorcycles, passenger cars, recreational vehicles, semi-trucks, snowmobiles, boats and other watercraft, trucks, and vehicles used for racing or demolition derbies.

**Non-Conforming Use:** Any building or land lawfully occupied by a use at the time of the approval of this ordinance, or any amendment to it rendering such use non-conforming, which does not comply with all of the regulations of this ordinance, or any amendment hereto, governing use for the zoning districts in which such use is located.

**Non-Conforming Building or Structure:** Any building or structure lawfully existing at the time of the approval of this ordinance, or any amendment to it rendering such building or structure non-conforming, which: (a) does not comply with all of the regulations of this ordinance, or any amendment hereto, governing bulk, height, and yard requirements for the zoning district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

**Nonconformity:** Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written.

**Nudity:** The showing or the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

**Nursing Home:** An establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services, shall be provided in such an establishment; a hospital shall be construed to be included in this definition.

**Obstruction:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain

which may impede or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

**Office-Showroom Building:** A building in which at least 20 percent of the floor space is devoted to office activities, the remainder being used for either warehousing, display, light manufacturing, or research and testing.

**Open Space:** That portion of a land parcel not occupied by buildings, other structures, or parking areas; also, land that is largely free of man-made structures including, but is not limited to, natural areas, parks, and agricultural lands.

**Open Space Recreation Use:** A use particularly oriented to and utilizing the outdoor character of an area, including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreational areas.

**Operable Motor Vehicle:** A motor vehicle able to start and move under its own power and steer, have front and back license plates, and current registration tabs, fully intact windshield, working headlights, taillights, and turn signals, and tires that are inflated according to motor vehicle's standards.

**Ordinary High Water Level:** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level that 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.

**Outlot:** A parcel of land included in a plat identified by a capital letter and is land that is not part of a block.

**Owner:** In the case of a lot or parcel, the legal owner of the lot as officially recorded by Sherburne county, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees.

**Park Trailer:** A trailer that: (1) exceeds 8.5 feet in width in travel mode but is no larger than 400 square feet when the collapsible components are fully extended or at maximum horizontal width; and (2) is used as temporary living quarters, but not a manufactured home.

**Parking Space:** An area enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one motor vehicle.

**Pawnbroker:** A person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on the condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. This definition includes, but is not limited to personal property such as antiques, boats, motors, snowmobiles, ATVs, fish locators, furs, electronic goods, sporting goods, guns, and woodworking/farm tools.

**Permanent Residence:** Any trailer, vehicle, or building being used as living quarters between November 1 of the year and May 1 of the following year meeting the minimum requirements for a single family dwelling.

**Permitted Use:** A use that 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.

**Personal Storage Structure:** An accessory structure used for non-commercial use that in some cases may be conditionally permitted as the only structure on a parcel.

**Planned Unit Development:** A zoning designation which allows a mixing of buildings and uses which cannot be otherwise addressed under this title, and/or whereby internal site design standard deviations from this title may be allowed to improve site design and operation.

**Planning Commission:** The Baldwin Township planning commission.

**Platted Land:** Lands with a legal description described as lot, block and plat name.

**Pole Building:** A post frame construction building made of wooden or metal parts, with metal panels covering three or more sides, and without a full foundation.

**Pool:** Any structure, chamber, or tank 5,000 gallons or greater in size, containing an artificial body of water designed primarily for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools.

**Pool, Spa:** A hot water pool intended for seated recreational use with a water agitation system in addition to the recirculation system and is synonymous with the term “whirlpool.”

**Pool, Wading:** Any pool with a maximum depth of 24 inches used or designed to be used exclusively for wading.

**Primitive Campsite:** An area that consists of individual remote campsites accessible only by foot or water.

**Principal Use:** The purpose for which land or a building or structure thereon is designed, arranged, intended, or maintained or for which it is or may be used or occupied.

**Principal Building:** A building in which is conducted the principal use of the lot on which it is situated.

**Private Club or Lodge:** A building and related facilities owned or operated by a corporation, association, or group of persons for social, educational, or recreational purposes of members regularly paying dues, but not primarily for profit or to render a service which is customarily carried on as a business.

**Project(s):** All construction activity that is planned and/or conducted under a stormwater and erosion control permit issued by the town. The project will occur on the site or sites described in the permit application, and in the associated plans, specifications, and contract documents.

**Public Uses:** Uses owned or operated by township, school district, county, state, or other governmental units.

**Public Land:** Land owned by federal, state or local government, or other entities financed by public funds.

**Public Waters:** Any waters as defined in Minnesota statutes 103G.005, Subd. 15 and 19.

**Rap Parlor:** An establishment or place primarily in the business of providing nonprofessional conversation or similar services.

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

**Recreational Vehicle:** (1) Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses; (2) Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation; (3) Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and (4) Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

**Redevelopment:** Any construction activity where prior to the start of construction the area to be disturbed has 15 percent or more impervious surface.

**Regional Flood:** A flood that is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance study.

**Regulatory Flood Protection Elevation:** An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

**Religious Institution:** A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

**Residential Area.** Shall include all platted land and land which has been legally subdivided into tracts less than ten acres for the purpose of residential use, where there are 24 homes or more within a 0.25 mile radius of the proposed tower site.

**Residential Care Facility, State Licensed:** Any residential care program, defined by Minnesota statutes 245A.02 and licensed by the State of Minnesota.

**Resort:** A building, structure, enclosure, or any part thereof located on, or on property neighboring any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent one or more cottages, rooms, or enclosures.

**Restaurant:** An establishment where food is available to the general public for consumption on the premises.

**Rural Tourism:** Farm or other historical heritage attractions that include, single family residential properties for day retreats, crafting parties, weddings, receptions, hay rides, corn-mazes, holiday celebrations, or similar rural uses that are shown to have a unique and demonstrable relationship with Sherburne county or the region and its history lore and or natural resources.

**Sadomasochistic Abuse:** Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

**Sauna:** An establishment or place primarily in the business of providing (1) a steam bath and (2) massage services.

**Salvage and Wrecking Yard:** An outdoor facility used by a business engaged in the reclamation of parts or materials from machinery or buildings.

**Satellite Antenna:** A device for the reception of signals from communication satellites.

**Screened:** When a structure is built to be placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months.

**Seasonal or Temporary Businesses:** Where the business is an accessory use of the property, and may be utilized for not more than 90 days per calendar year.

**Seasonal Storage:** Where 25 percent or more of an agricultural building(s) is converted for the purposes of renting or leasing indoor storage space for storing and removing personal property, and where the facility is open to the public in the spring and fall on a limited seasonal basis

**Self Storage Facility:** A facility containing separate and private individual spaces of varying sizes leased or rented only for the storage of personal property where an individual renter or leasee control and access an individual space via its own access door; the facility may also include ancillary activities such as a facility office, retail sales of moving supplies, and/or rental of moving vehicles and trailers.

**Self Storage Facility, Indoor:** A fully enclosed building that is climate controlled containing separate and private individual spaces of varying sizes leased or rented only for the storage of personal property where an individual renter or leasee control and access an individual space via its own access door that is interior to the building and not directly accessed via an exterior door; the facility may also include ancillary activities such as a facility office, retail sales of moving supplies, and/or rental of moving vehicles and trailers.

**Semipublic Use:** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

**Sensitive Resource Management:** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or



bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

**Setback:** The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility with all dimensions are measured in feet.

**Sewage Treatment System:** A septic tank and soil absorption system or other individual or cluster type sewage treatment system.

**Sewered Areas:** An area that is serviced by a wastewater treatment facility(s), or publicly owned, operated, or supervised centralized septic systems servicing the entire development.

**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.

**Sexual Conduct:** Acts of masturbation, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast, and includes any of the following acts: (1) the touching by a person of another's intimate parts, or (2) the touching of the clothing covering the immediate area of the intimate parts (3) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or (4) any intrusion however slight into the genital or anal openings of a person's body by any part of another's body or any object used by the person for this purpose.

**Sexual Excitement:** The condition of human male or female genitals when in a state of sexual stimulation or arousal.

**Sexually-Oriented Business:** Any business including, but not limited to, adults-only bookstores or motion picture theaters or adult entertainment centers, massage parlors, rap parlors, saunas.

**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 50 percent of the structure setback.

**Shoreland:** Land located within the following distances from public waters: (1) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and (2) 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

**Sign Area, Projecting or Freestanding Signs:** The area of a freestanding or projecting sign shall be the area of the largest face including its border area. If a sign has an irregular shape or has open spaces within its border, the sign area shall be the area of the smallest single rectangular figure that encloses it. If a freestanding sign or sign structure is constructed so that the faces are not back-to-back, the angles shall not exceed 10 degrees, the total area of both sides added together shall not exceed the maximum allowable sign area for that district.

**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 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.

**Single Family Residence:** A dwelling unit designed exclusively for occupancy by one family that is not attached to another dwelling or structure and is entirely surrounded by open space.

**Solar Energy System:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**Solar Farm:** A solar energy system composed of multiple solar panels on ground-mounted rack or poles that is not directly connected to or designed to serve the energy needs of the primary use, but rather for the primary purpose of wholesale sales of generated electricity. Solar farms include but are not limited to community solar gardens, which are defined as a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with the Minnesota statute 216B.1641, or its successor statute.

**Solar (Accessory) Energy System, Ground-Mount:** A solar energy system mounted on a rack or pole that sits on the ground or has its own foundation and is not attached to a building and that is accessory to the principal land use, designed to supply energy only for the principal use.

**Solar (Accessory) Energy System, Rooftop:** A solar energy system mounted on the roof of a building and is accessory to the principal land use, designed to supply energy only for the principal use.

**Stabilize, Stabilized, Stabilization:** The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass, agricultural crop, or other seeding alone is not stabilization. Mulch materials shall achieve approximately 90 percent ground coverage (typically 2 ton/acre).

**Sediment Control:** The methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, bio rolls, rock logs, compost logs, storm drain inlet protection, and temporary or permanent sedimentation basins. A floating silt curtain placed in the water is not a sediment control best management practice to satisfy perimeter control requirements.

**Steep Slopes:** Slopes that are steeper than 3:1 (V:H) (33.3 percent) or steeper in grade.

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

**Stormwater Pollution Prevention Plan (SWPPP):** A plan for stormwater discharge that includes all required content in conformance with this Section and which describes erosion prevention best management practices, sediment control best management practices, construction site/waste control best management practices and permanent stormwater management systems that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.

**Structure:** Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, decks, detached garages, cabins, manufactured homes, travel trailers/vehicles.

**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.

**Subdivision:** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

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

**Substantial Improvement:** Within any consecutive 365 day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure". For the purpose of this title, "historic structure" shall be as defined in 44 code of federal regulations, part 59.1.

**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.

**Temporary Start-Up Business:** Any temporary occupation that is clearly incidental to the principal use of the homestead as a single family dwelling unit, is conducted in a building other than the dwelling, is conducted by a resident occupant, and does not change the character of the principal use. The temporary business use shall have a definite expiration date, at which time the business use shall cease operations on the permitted property.

**Temporary Structure:** A structure that is not permanently erected on a parcel or lot.

**Toe of Bluff:** The lower point of a 50-foot segment with an average slope exceeding 18 percent.

**Top of Bluff:** The higher point of a 50-foot segment with an average slope exceeding 18 percent.

**Tower:** Any pole, spire, structure, or combination thereof, including supporting lines, cables, wire, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna. The height of a tower shall be measured from the base of the pole to the highest point. This definition excludes any towers that are less than 60 feet in height.

**Tower, Accessory Structure:** A structure located at the base of the tower housing base receiving/transmitting equipment.

**Town or Township:** Baldwin township, Minnesota

**Town Attorney:** The person designated by the town board to be the attorney for Baldwin township.

**Town Board:** The Baldwin township town board of supervisors.

**Town Clerk:** The person designated by the town board to be the clerk for Baldwin township.

**Town Engineer:** The person or firm designated by the town board to be the engineer for Baldwin township.

**Townhouses:** A group of attached single-family dwelling units on a common lot.

**Track:** A course built for the operation of motorized vehicles that operate in a repetitive, continuous manner or an area where recreational motorized vehicles, through their repetitive use have altered or changed the natural contour of the landscape and created a clearly identifiable track.

**Trailer equipment:** Where permitted equipment may be legally transported on one trailer at one-time. Example: If a property is permitted to store one commercial vehicle, one trailer, and trailer equipment, all equipment shall be able to be legally transported on that one trailer, at one time.

**Transmission Line:** Those high capacity conductors generally rated 115 kilovolts and above and associated structures which are used to carry electricity from points of generation to distribution points such as substations and distribution lines.

**Truck Terminal:** A warehouse and distribution business specializing in the shipment or storage of goods or materials.

**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 standards of this ordinance.

**Variance:** A modification of or variation from the provisions of this ordinance consistent with that defined in Minnesota statutes, section 462.357, Subd. 6(2), as applied to a specific property and granted pursuant to the standards and procedures of this title, 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.

**Warehousing:** The storage of materials, goods, or equipment within an enclosed building as a principal use.

**Waste Facility:** All property, real or personal, including negative and positive easements and water and air rights, which is, or may be needed, or useful for the processing or disposal of waste, except for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities

**Water Body:** A lake, pond, or a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

**Watercourse:** A channel or depression through which water flows year round or intermittently, such as rivers, streams, or creeks.

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

**Wetland:** 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 Ordinance, wetlands shall (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. "A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of the preceding paragraph, surrounded by non-wetland and including all contiguous wetland types except those connected solely by riverine wetlands. "Wetland are" means a portion of "a wetland" or "the wetland." Wetlands do not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota statutes 103G.201.

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

**Wholesaling:** The selling of goods, equipment, or materials to another business that in turn sells to other customers.

**Wooded:** A tract of land that has tree canopy over at least 75 percent of it.

**Yard:** Any 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.

**Yard, Front:** The area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more streets, both yards shall be considered front yards unless a specific standard is established by this ordinance for a side yard of a corner lot or the rear yard of a through lot abutting a public right-of-way.

**Yard, Rear:** A yard extending across the full width of the lot lying between the rear lot line of the lot and the nearest line of the principal building.

**Yard, Required:** That distance specified in the yard requirements pertaining to setbacks; the terms setback and required yard are used interchangeably.

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

**Zoning Administrator:** The person or firm designated by the town board to be the zoning administrator for Baldwin township.

**Zoning District:** An area or areas within the limits of Baldwin Township for which the regulations and requirements governing land use are uniform.

**Zoning District, Base:** All zoning districts except overlay zoning districts.

**Zoning District, Overlay:** A zoning district containing regulations superimposed upon other zoning district regulations and superseding the base zoning district use regulations. (Ord. 900, 18 Apr 22)