

## Section 35-020: Definitions

The following words and terms, whenever they occur in this Ordinance, we defined as follows:

**Accessory Structure or Use:** A structure or use of secondary or subordinate use to the principal structure or use, located on the same lot.

**Alley:** means a minor way which is used primarily for vehicular access to the back or the side of properties abutting on a street.

**Automobile Body Shop:** A building or any portion thereof designed primarily for major reconditioning of worn or damaged motor vehicles or trailers; collision service including body, frame, or fender straightening or repair, and overall painting of vehicles.

**Automobile Service Station:** A building or any portion thereof designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles.

**Bed and Breakfast:** A single-family dwelling in which six or fewer transient guest rooms are rented on a nightly basis for a period of less than a week and where at least one meal is offered in connection with the provision of sleeping accommodations only.

**Boarding (Lodging) Housing:** A building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals or lodging are provided to three (3) or more persons, but not to exceed ten (10) persons.

**Boathouse:** A water-oriented accessory structure used solely for the storage of boats or boating equipment.

**Boulevard:** The portion of the street right-of-way between the curb line and the property line.

**Building:** Any structure having a roof or other covering, built for the support, shelter or enclosure of persons, animals, cattle or movable property of any kind, and includes any structure.

**Building Height:** The vertical distance measured from the average grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the distance of the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on pitched or hip roof.

**Building Line:** A line parallel to a lot line or the ordinary high-water level, at any store level of a building and representing the minimum distance beyond which all or any part of the building may not extend.

**Butt Lot:** A lot at the end of a block and located between two corner lots.

**Cannabis Cultivation:** A business with a cannabis cultivator license, medical cannabis cultivator license, or cultivation endorsement from the OCM.

**Cannabis Delivery:** A business with a cannabis delivery service license or delivery service endorsement from the OCM.

**Cannabis Manufacturing:** A business with a cannabis manufacturer license or manufacturing endorsement from the OCM.

**Cannabis Processing:** A business with a medical cannabis processor license or processing endorsement from the OCM.

**Cannabis Retail:** A business with a cannabis retailer license or medical cannabis retailer license from the OCM and the retail location(s) of a mezzo businesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location. Cannabis Retail Businesses shall exclude lower-potency hemp edible retail businesses.

**Cannabis Testing:** A business with a cannabis testing facility license or testing endorsement from the OCM.

**Cannabis Transportation:** A business with a cannabis transporter or cannabis delivery service license or transportation endorsement from OCM.

**Cannabis Wholesaling:** A business with a cannabis wholesaler license or wholesaling endorsement from the OCM.

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

**City:** The City of Nevis

**City Council:** The Nevis City Council.

**Clinic:** A place where medical, dental, optometric, psychiatric, or nursing care is finished to persons on an out-patient basis by one or more licensed professionals.

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

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

**Conditional Use:** A land use or development as defined by ordinance that may be allowed only after an in-depth review procedure and with appropriate restrictions or conditions as provided by this zoning ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied.

**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, and Section 515.A.101 to 515.A4-118.

**Day Care Facilities:** A facility licensed by the State Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons, as defined by the State Human Services Licensing Act, with care, training, or supervision habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers for children, day training and rehabilitation services for adults, day treatment programs, adult day care centers, and day services.

**Deck:** A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use, structure or site, and at any point extending more than thirty (30") inches above the ground. A deck is defined as an impervious structure, unless it is determined to qualify as pervious by the Zoning Administrator.

**Duplex, Triplex and Quad:** Dwelling structures on a single lot having two, three and four units respectively being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.

**Dwelling:** Any structure, or portion of a structure, used exclusively for residential purposes, including one-family, two-family and multiple family dwellings, but not including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

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

**Dwelling Unit:** A room or group of rooms located within a dwelling to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

**Garage (Accessory Structure):** A fully enclosed building designed or used for the storage of motor vehicles not including buildings in which fuel is sold or in which repair or other services are performed.

**Ground Coverage Percentage:** The percentage of lot area included within the outside lines of exterior walls of all buildings located on the lot including: porches, decks, patios, breeze ways, balconies, and bay windows. In Shoreland areas, all permeable surfaces are included in computing ground coverage percentages.

**Group Family Daycare** (see Daycare Facility)

**Hotel/Motel:** Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than three (3) sleeping rooms, with no cooking facilities in an individual room or apartment. Hotels and motels within the Shoreland overlay district are commercial planned unit developments.

**Impervious Surface:** A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at increased rate of flow than prior to development. Examples normally include rooftops, sidewalks, patios, driveways, parking lots, storage areas and concrete, asphalt or gravel surfaces. (also see “Lot Coverage”)

**Laundromat:** A place where patrons wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

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

**Lot Area:** The area of land within the boundaries of a lot, excluding that portion of a lot which is below the ordinary high-water level.

**Lot Coverage Percentage:** The percentage of lot area within the outside lines of exterior walls of all buildings located on the lot including: porches, decks, patios, breeze ways, balconies, and bay windows. In Shoreland areas, all impermeable surfaces are included in computing lot coverage.

**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. Certain lot improvements shall be properly bonded as provided in these regulations.

**Lower-Potency Hemp Edible Manufacturer:** A business with a lower-potency hemp edible manufacturer license from the OCM.

**Lower-Potency Hemp Edible Retailer:** A retail location with a lower-potency hemp edible retailer license from the OCM, including on-site consumption as allowed by State of Minnesota regulations.

**Multi-Family Dwelling:** A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units, including what is commonly known as an apartment building.

**Office of Cannabis Management (OCM):** The State of Minnesota Office of Cannabis Management.

**Planned Unit Development – Mixed Use:** A mixture of commercial and residential uses, as may be approved.

**Planned Unit Development – Residential:** Use where the nature of the residency is non-transient and the major or primary focus of the development is not service-oriented. For example: single family residences duplexes, triplexes, residential apartments, mobile home parks, condominiums, time share condominiums, townhouses, cooperatives, and conversions of structures and land uses to these uses. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

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

**Religious Institution:** A church, synagogue, temple, mosque or other structure that is architecturally designed or particularly adapted for the primary use of the regular assembly of persons for religious worship. Religious institution includes those accessory uses that are secondary to the principal use, but which are intrinsic and necessary to the tenants and exercise of religious beliefs and that can be conducted on the property in a manner that complies with the requirements of applicable federal, state, and local laws, rules, regulations, codes and ordinances.

**Structure:** That which is built or constructed, an edifice or building or appurtenance thereto, or any piece of work artificially built up, or composed of parts joined together in some definable manner, except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances.