

Section 30-015: Definitions

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

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

Apiary: The assembly of one (1) or more colonies of honeybees at a single location.

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

Beekeeper: A person who owns or has charge of one (1) or more colonies of honeybees.

Beekeeping Equipment: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

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.

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 on hip of roof.

City: The City of Nevis

Clinic (Health Care Facility): A place where medical, dental, o9ptometric, psychiatric, or nursing care is finished to persons on an out-patient basis by one or more licensed professionals.

Colony: An aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.

Conditional Use: A land use of 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 commission.

Duplex, Triplex and Quad (Multi-family Dwelling): 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.

Easement: A grant by a property owner for a specified use of land by a corporation, the public or specified persons.

Family: An individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or a group of not more than four (4) persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Floor Area: Total gross area of all floors measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, decks and terraces.

Floor Area Percentage: The total floor area divided by the total lot areas.

Garage: 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, breezeways, balconies, and bay windows. In Shoreland areas, all permeable surfaces are included in computing ground coverage percentages.

Group Family Daycare: See Daycare Facilities

Honeybee: All life stages of the common domestic honeybee, *Apis mellifera* species of European origin.

Home Occupation: A use conducted entirely within an enclosed dwelling, which is clearly secondary and incidental to residential occupancy, and which does not change the character thereof. Specifically excluded are any activities that result in the alteration of a building, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from outside of the lot on which such use is located.

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.

Improved Lot: A lot that contains a single-family dwelling read for immediate use, which is served by a sewage disposal system and water supply.

Individual Sewage Treatment System: A sewage treatment system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated, the worded “system”, as it appears in the ordinance, means an individual sewage treatment system.

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, breezeways balconies, and bay windows. In Shoreland areas, all permeable 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.

Lot Line: A line marking a boundary of a lot except that where any portion of a lot extends in to the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot of Record: Any lot which is one (1) unit of a recorded plat designated by auditor’s plat, subdivision plat, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease or separation thereof that has been recorded in the Office of the County Recorder prior to the effective date of this Ordinance.

Lot Width: The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the front yard property line and/or OHWM. For cul-de-sac lots or those fronting upon a curved street with an angle of 135 degrees or less, “lot width” shall mean the minimum required horizontal distance between the side lot lines, measured along a straight line at the minimum required front setback line.

Manufactured Home: A manufactured home is a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for one family, 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 filed a

certification required by the Secretary of the United States Department of Housing and Urban Development. No manufactured home shall be moved into the City of Nevis that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes 327.31, Subdivision 3.

Manufactured Home Park: Any park, court, lot, parcel or tract of land, designed, improved, maintained or intended for the purpose of supplying a location for manufactured home units or upon which any manufactured homes are parked. It 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 manufactured home park or not.

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 delineates a fractional portion of a section, lot or area by described lines or portions thereof.

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.

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, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Permanent Foundation: A foundation meeting the Building Codes and consisting of approved footings, crawl space or basement. (This is not the required foundation for a manufactured home in a manufactured home park).

Planned Unit Development: A type of development characterized by a united site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatively housing; full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units; residential condominiums; townhouses; apartment buildings; campgrounds; recreational vehicle parks; mobile home parks; resorts; hotels; motels; and conversions of structures and land uses to these uses.

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.

Plat: A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to the law.

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

institutions include 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.

Residential Treatment Facility: A residential facility providing mental health, alcohol, or drug treatment services established or operated in accordance with Minnesota Rules, chapter 2960, or Minnesota Statutes, chapters 245G or 260C.

Resort: A private commercial recreational development which includes multiple units intended for habitation on a temporary basis for relaxation or recreational purposes. Resorts are considered commercial planned unit development.

School: A building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction.

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

Septic Tank: Any water tight, covered receptacle designed and constructed to receive the discharge of sewage from a building's sewer, to separate solids from liquids, digest organic matters, and store liquids for a period of detention, and allow the liquids for a period of detention, and allow the liquids to discharge to a soil treatment system.

Setback: The minimum horizontal distance between a structure, sewage treatment system, or other facilities and an ordinary high-water level, sewage treatment system, top of a bluff, road, highway, property line or other facility.

Sewage Treatment System: A system which uses subsurface soil treatment and disposal whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil and includes those systems commonly known as: seepage beds, disposal field, and mounds. All private sewage treatment systems must meet or exceed the Hubbard County Environmental Service Department standards for individual sewage treatment contained in the document titled, "Hubbard County Shoreland Management Ordinance".

Sewer System: Pipelines, conduits, pumping stations, force main and all other construction, devices appliances, or appurtenances used for conducting sewage or industrial or other wastes to a point of ultimate disposal.

Single-Family Dwelling: A structure designated or used for residential occupancy by one family.

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.

Temporary Structure: Any structure which has been erected or moved onto a lot in order to be utilized for any purpose for a period not to exceed six (6) months. Any structure which is not a temporary structure is considered a permanent structure and must comply with all provisions of this Ordinance.