

Section 40-020: Definitions

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

Administrator: The administrator of the Nevis Zoning Ordinance or its authorized agent or representative.

Apartment: a room or suite of rooms which is designed for a residence by a single family, or a group of individuals living together as a single-family unit, or an individual, and is equipped with cooking facilities. Includes a dwelling unit and an efficiency unit. This includes any unit in buildings with more than two (2) dwelling units.

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.

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

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.

Block: An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a stream or water body.

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 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.

Commissioner: The Commissioner of the Department of Natural Resources.

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 a 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.

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 as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breeze ways, 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, breeze ways, balconies, and bay windows. In Shoreland areas, all permeable surfaces are included in computing ground coverage percentages.

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.

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 word "system", as it appears in the ordinance, means an individual sewage treatment system.

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

Kennel: Any lot or premises on which five or more dogs ages six months or older are kept, either owned or boarded, either permanently or temporarily.

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.

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 Line Front: For a riparian lot, the front lot line is that line indicating the ordinary high water level. For a non-riparian lot, a front lot line is a line dividing a lot from any public highway, except a limited or controlled access highway to which the lot has not access.

Lot Line Rear: The lot line intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line. For any lot which abuts on an alley, the rear setback may be measured from the center line of such alley right-of-way.

Lot Line Side: Any lot which meets the end of a front lot line and any other lot lines within thirty degrees of being parallel to such a line, except a front lot line.

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.

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.

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

Mobile Food Unit: a self-contained food service operation, located in readily-movable motorized wheeled or towed vehicle that is readily movable without disassembling, and that is used to store, prepare, display, or serve food intended for individual portion service; or mobile food unit as defined in Minnesota Statutes, section 157.15, subd. 9 (See Division 97)

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.

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 – Commercial: Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, bed and breakfast accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are examples of commercial planned unit developments.

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

Protective Covenants: Contracts entered into between private parties constituting a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Public Improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

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

Public Waters: Any waters as defined in Minnesota Statutes, Section 103G.005, subdivision 15-18. However, no lake, pond, or flowage of less than 10 acres in size will be regulated for purposes of these parts. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of this ordinance. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

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.

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 unto 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.

Tower: Any ground or roof mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, turbines, blades or similar apparatus above grade. Does not include flag poles and bird houses. All towers seventy-five (75') feet in height or greater, shall be defined as a conditional use.

