

SECTION 2. DEFINITIONS.

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

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

Agricultural Uses - Those uses commonly associated with the growing of product on farms. These include: field crop farming; pasture for hay; fruit growing; trees, plants, shrubs, or flower nursery without building; truck gardening; roadside stand for sale of fruits, vegetables, or plants in season; but not including fur farms, animal feedlots, kennels, or any raising of dairy cows, slaughter steer or heifers, or swine of any size.

Administrator - The duly appointed person charged with enforcement of this Ordinance.

Alley - A public right-of-way which affords secondary access to abutting property.

Animal Feedlot - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals exceeding three (3) animal units 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 used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. For purposes of this definition, the following equivalents shall apply:

<u>Animal</u>	<u>Unit</u>
One horse	1.0 animal unit
One sheep	1.0 animal unit
One duck	0.02 animal unit
One turkey	0.018 animal unit
One chicken	0.01 animal unit

Apartment - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family. Includes buildings with two or more dwelling units and efficiency units.

Basement - A portion of a building located partly underground and with one-half or less of its floor to ceiling height below the average grade of the adjoining ground. In a flood plain, a basement is 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 Home - A dwelling, other than a hotel or motel, where lodging and breakfast are provided to transient guests by a resident family for compensation.

¹ Big Box - A retail establishment that contains more than 80,000 square feet of floor area.

Bluff - A natural topographic feature such as a hill, cliff, or embankment having the following characteristics:

(A) The slope rises at least twenty-five (25) feet above the toe of the bluff; and

⁷ (B) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the toe of the bluff averages eighteen (18) percent or greater.

⁷ (C) An area with an average slope of less than eighteen (18) percent over a horizontal distance of fifty (50) feet or more shall not be considered part of the bluff.

⁷ Bluff, toe of - The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent or if there is disagreement in the breaking point, the toe of the bluff shall be the lowest end of a fifty (50) foot segment, measured horizontally, with an average slope of eighteen (18) percent or greater.

⁷ Bluff, top of - The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent or if there is disagreement in the breaking point, the top of the bluff shall be the highest end of a fifty (50) foot segment, measured horizontally, with an average slope of eighteen (18) percent or greater.

Bluff Impact Zone - All land located between the toe and the top of the bluff and the land located within thirty (30) feet measured horizontally beyond the highest point of the top of the bluff and thirty (30) feet measured horizontally beyond the lowest point of the toe of the bluff.

Bluffline - A line along the top and toe of a bluff delineating the limits of the Bluff impact Zone.

Boathouse - A structure used solely for the storage of boats or boating equipment.

Buildable Areas - The portion of a lot remaining after required yards have been provided.

Building - Any structure having a roof which may provide shelter or enclosure for any use or occupancy.

Building Height - The vertical distance to be measured from the grade of a building line to the top of the cornice of a flat roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.

Building Setback - The minimum horizontal distance between the furthest protruding part of the building and a lot line.

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

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

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

Club or Lodge - An association of persons who are bona fide members paying dues, use of premises being restricted to members and their guests.

Comprehensive Plan - The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the City or any portion of the City.

Conditional Use - A land use or development as defined by ordinance that would be inappropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the Zoning Ordinance exist; (2) the use or development conforms to the comprehensive land use plan of the City; and (3) is compatible with the existing neighborhood.

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

Condominium - A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law.

Convenience Food Establishment - An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

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

Day Care - The care of children outside of their own homes for a part of the 24 hour day by persons unrelated to them by blood or marriage. Day care includes family day care, group family day care, and care in group day care centers.

Developer - The owner of the Property, or a person or entity authorized in writing by the owner of the Property to file the applications for the PUD and who will become the owner of the Property prior to any development of the Property.

Dog Kennel - A place where three (3) or more dogs, over three (3) months of age, are boarded, bred, and/or offered for sale, except a veterinary clinic.

Drive-In - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the auto manufactured occupants is the principal service offered.

Duplex - A structure containing only two dwelling units where one unit sits on top of the other unit.

Dwelling Unit - A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses, or tourist homes.

Dwelling, Attached - A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached - A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Two-Family - A building used exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple - A building having accommodations for and occupied exclusively by more than two (2) families.

Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Essential Services - The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, or water transmission or distribution systems, collection, communication, supply, or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

Family - One or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than three (3) persons not so related maintaining a common household and using common cooking and kitchen facilities.

Farm - A tract of land which is principally used for agricultural purposes, all of which is owned and operated by a single family, farm corporation, individual, or corporation.

Fence - Any partition, structure, wall or gate erected within the required yard.

Final Development Plan - A final development plan based upon the Preliminary Development Plan and presented by a PUD applicant.

Flood - A temporary increase in the flow or stage of a stream, or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency - The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe - That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for City of Dundas.

Flood Plain - The beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood.

Flood-Proofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway - The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

Floor Area - The net usable floor area of the various floors.

Garage - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicle of the family or families resident upon the premises.

Home Occupation - A lawful occupation carried on in the home when engaged in by person or persons residing in the dwelling (see section 4, subsection 5 for further requirements).

¹⁷ Hotel – Any building occupied as the more or less temporary abiding place of individuals and containing six (6) or more separately secured guest rooms, used, designated, or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation whether compensation be paid directly or indirectly.

Junk Yard - An area where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles and used building materials.

Lot - A parcel, piece, or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or registered land survey, for the purpose of sale or lease or separate use thereof.

Lot (Of Record) - A parcel of land, whether subdivided or otherwise legally described, as of October 23, 1969, or approved by the City as a lot subsequent to such date, and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any necessary buildings and such open spaces as required by this Ordinance and having its principal frontage upon a street.

Lot Area - The area of a lot in a horizontal plane bounded by the lot lines.

Lot. Corner - A lot situated at the junction of and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees. Both sides of the lot fronting roads are subject to front yard setbacks.

Lot Depth - The mean horizontal distance between the front line and the rear lot line.

Lot Line. Front - The boundary of a lot which abuts an existing or dedicated public street.

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

Lot Line. Side - Any boundary of a lot which is not a front lot line or a rear lot line.

Lot Substandard - A lot or parcel of land for which a deed has been recorded in the office of the county recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area structure setbacks or other dimensional standards of this Ordinance.

Lot. Through - Any lot other than a corner lot which abuts more than one (1) street.

Lot Width - The maximum horizontal distance between the side lot lines of a lot at the setback line.

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

Manufactured Home (manufactured home) - A structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, and when erected on site is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Minnesota Secretary of State and complies with the statutory standards established by M.S. 327.31, Subd. 3.

Manufactured Home Park - Any contiguous site, lot, field, or tract of land upon which two or more manufactured homes are located and includes commonly owned property and any building, structure, vehicle, or enclosure intended for use as a part of the equipment of such manufactured home park.

Manufactured Home Stand - The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures, or additions.

Nonconforming Use - A use, structure, or parcel of land lawfully in existence, recorded, or authorized before the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

Nursing Home - A building having accommodations where care is provided for two or more invalids, infirmed, aged convalescent, or physically disabled persons who are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.

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

Off Street Loading Space - A space accessible from a street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

Ordinary High Water Mark - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.

Outside Storage - The keeping, in an unenclosed area (outside a building), of any goods, junk material, merchandise, or vehicles in the same place for more than twenty-four hours.

Parking Space - An area enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) auto manufactured which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an auto manufactured.

Permitted Use - A use which may be lawfully established a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such districts.

Planned Unit Development (PUD) - A zoning district containing a large lot or tract of land developed as a unit rather than as individual development wherein two or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

Planned Unit Development (PUD) Agreement - The agreement to be entered into between the Developer and the City to incorporate all terms, requirements and conditions of the PUD approval.

Planning Commission - The Planning Commission of Dundas.

Preliminary Development Plan - A Preliminary Development Plan means a formal development plan in preliminary form presented by a PUD applicant.

Principal Use - The main use of land or buildings as distinguished from subordinate or accessory uses.

Property (when used in the PUD ordinance) - All land included within a PUD.

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

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.

Recreation Public - Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Regional Flood - A flood which 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 - A point not less than one (1) foot above the elevation of the flood plain, plus any increases in flood heights attributable to encroachments on the flood plain that result from designation of a floodway. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

¹⁷ Self Storage Facility - A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customers goods and wares. Such facilities do not include sales, service, or storage of hazardous materials.

Setback - The minimum horizontal distance between a building and street right-of-way or property line. Distances are to be measured perpendicularly from the property line to the most outerly extended portion of the structure at ground level.

Sketch Plan - A Sketch Plan means an informal development plan presented by a PUD applicant.

Solar Collector - Any device relying upon direct solar energy that is employed in the collection of solar energy for heating and/or cooling of a structure, building, or water. Windows or skylights may be construed as a solar collector within the meaning of this definition if they cumulatively comprise thirty (30) or more square feet.

Solar Energy - Radiant energy (direct, diffuse, or reflected) received from the sun.

Solar Energy System - A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes, including heating and cooling buildings or other energy using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar generated energy.

Solar Lot - A lot that has its designated north/south lot lines lie within fifteen (15) degrees east or west of the axis and the lot frontages shall face an east/west directed street (varying up to twenty (20) degrees).

Steep Slope - Land having average slopes over 12 percent, as measured over a horizontal distance of 50 feet, that are not bluffs.

Street - A public right-of-way which affords a primary means of access to abutting property and shall also include avenue, highway, road, or way.

Story - That portion of a building included between the surface of any flood and the surface of the floor next above. A basement shall be counted as a story.

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, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 9.31 of the Ordinance and other similar items.

Subdivision - The division of a parcel of land into two or more lots, blocks, and/or sites, with or without streets or highways and includes resubdivision.

Toe of the Bluff - (see Bluff, Toe of)

Top of the Bluff - (see Bluff, Top of)

Townhouse - One of three or more dwelling units that are physically attached on two sides (not the back side), have separate entrances, and have no other dwelling unit above.

Twin home - A two-family dwelling with a common wall between the two dwelling units.

Use - The purpose of activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.

^{14, 15} Variance - The procedure established to consider a modification or variation from the requirements of the Zoning Ordinance including restrictions on non-conformities.

Yard - An open space on a lot, which is occupied, and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this Ordinance. The yard shall extend along a

lot line and at right angles to such lot line to a depth or width specified in yard regulations for the district in which such lot is located.

Yard. Front - A yard extending across the front of the lot between the inter side yard lines and lying between the front line of the lot and the nearest line of the building.

Yard. Rear - A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Yard. Side - A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

Zoning District - An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing the use are uniform.

Zoning Maps - The maps or map incorporated into this Ordinance as part thereof and as amended, designating the zoning district.