
SECTION 1101.00 DEFINITIONS.

1101.01 Definitions.

1101.00 DEFINITIONS. When used in this Ordinance, the following terms shall be deemed to have the meanings herein ascribed to them in addition to the definitions given in the Uniform Building and Fire Codes.

ABUTTING. Making contact with or separated only by public right-of-way, railroad, public utility right-of-way or navigable waters.

ALLEY. A public right-of-way, usually sixteen (16) feet in width, which affords secondary access to abutting property.

ALTERATION. As applied to a building or structure, is a change or rearrangement in structural parts, or enlargement or the moving from one location to another.

ANIMAL HOSPITAL. See VETERINARY CLINIC.

ANIMALS, DOMESTIC. A domestic animal shall be defined as house pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City. In addition, it includes birds and rabbits normally sheltered outside the home.

ANIMALS, FARM. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.

ANTENNA. Any structure or device used for the purpose of collecting or radiating electromagnetic signals including, but not limited to, directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennas such as whip antennas.

APARTMENT . A part of a building consisting of a room or suite of rooms which is designed for, intended for, or used as a residence for one family or an individual and equipped with cooking facilities.

APARTMENT BUILDING. Three or more suites of rooms which are designed for, intended for, or occupied as a residence by a single family or an individual, and are equipped with cooking facilities (includes dwelling units and efficiency units).

APPLICANT. Any person who wishes to obtain a building permit, zoning, or subdivision approval, or a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's direction.

ASSISTED CARE LIVING FACILITY. A building consisting of three or more semi-private dwelling units with limited on-site medical care.

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 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 (BMP's). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

BEVELED INTERSECTION. The area that is right-of-way that would normally be considered the sight triangle at a corner or corners of an intersection where the right-of-way lines do not meet at right angles but rather with bevels.

BEVELS. The angle that one surface or line makes with another when they are not right angles.

BLUFF . A topographical feature such as a high bank or bold headland, sometimes rounded, cliff-face overlooking a plain or body of water, especially on the outside of a stream or meandering river, which rises or drops twenty-five (25) feet from the horizontal and the slope averages thirty (30) percent or greater.

BLUFF IMPACT ZONE. The land lying between the top of the bluff and the toe of the bluff.

BLUFF, TOE. The lower point of a bluff where there is, as visually observed, a clearly identifiable break in the slope. If no break is apparent, the toe of the bluff shall be the lower point of a fifty (50) foot segment that exceeds twenty (20) percent slope.

BLUFF, TOP. 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 slope is apparent, the top of the bluff shall be determined as the highest end of a fifty (50) foot segment that exceeds twenty (20) percent slope.

BLUFFLINE. A line along the top of a slope connecting the points at which the slope becomes less than thirteen (13) percent.

BOARD OF APPEALS, ZONING. The City Council.

BUFFER STRIP. The use of land, topography (difference in elevation), space, fences or landscape plantings to screen or partially screen a tract of property from another tract or property and rules and regulations pertaining to land use, density, and building characteristics, as all other properties within the same area as shown on the Zoning Map.

BUFFER, VEGETATIVE. A protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. Such a buffer strip is an integral part of protecting an aquatic ecosystem through filtering, pollutants and providing adjacent habitat. Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation. Alteration of buffers is strictly limited. Buffer areas are designated with permanent markers.

BUILDABLE AREA. The portion of a lot remaining after required yard setbacks have been provided.

BUILDING, ACCESSORY. A subordinate building which is located on the same lot on which the principal building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building.

BUILDING . Any structure used or intended for supporting or sheltering any use or occupancy, which is permanently affixed to the land.

BUILDING CODE. The Minnesota State Building Code

BUILDING HEIGHT. The vertical distance from the finished floor elevation to the peak of the roof, regardless of the roof type. (Ord. 03-25, Adopted January 5, 2004.)

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. Persons appointed by the City Council to serve as Building Official/Inspector for the City.

BUILDING SETBACK. The minimum horizontal distance between the building and the ordinary high water mark or the specified lot line as prescribed in this Ordinance.

BUILDING, ACCESSORY. A subordinate building 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 principal use of such building or main use.

BUILDING, DEMOLISHED OR PARTIALLY DEMOLISHED. Any building which by an occurrence such as fire, explosion, storm, natural deterioration, or uncompleted intentional demolition, resulting in one or more major structural defect(s) and which is reduced in its market value to less than fifty (50) percent of its market value prior to the occurrence.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which it is situated.

BULKHEADING. A retaining wall along a water front or an upright structure or partition to redirect drainage.

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

CAMPGROUND. An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

CANOPY, AWNING OR MARQUEE. A roof-like structure projecting over the entrance of a building, but not including canopies covering fuel dispensing islands at automobile service stations.

CAR WASH. Any building or premises, or portion thereof, the use of which is devoted to the business of washing vehicles for a fee whether by automated cleaning devices or otherwise.

CARPORT. A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides which has a primary use as storage for vehicles or recreational equipment.

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

CITY COUNCIL. The governing body for the City of Belle Plaine.

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- CLEAR-CUTTING.** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
- CLINIC.** A place for medical care where persons are not lodged overnight.
- CLUB OR LODGE.** A non-profit association of persons who are members paying annual dues.
- CLUSTER DEVELOPMENT.** The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a planned unit development.
- CODE OFFICIAL.** The official who is charged with the administration and enforcement of this ordinance, or any duly authorized representative.
- COMMERCIAL AGRICULTURAL.** The use of land for the growing and/or production of field crops, livestock and livestock products.
- COMMERCIAL RECREATION.** Bowling alley, cart track, jump center, golf course, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theatre, boat rental, amusement rides, campgrounds and similar uses.
- COMMERCIAL WIRELESS TELECOMMUNICATION SERVICE FACILITY.** A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development and related equipment.
- COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES.** Licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- COMMISSIONER .** The Commissioner of the Department of Natural Resources or Department of Public Safety.
- COMMISSIONER, PLANNING.** An appointed member of the Belle Plaine Planning and Zoning Commission.
- COMMON OPEN SPACE.** Any open space including parks, nature areas, playgrounds, trails and recreational buildings and structures which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling units.
- COMMUNICATION TOWER.** A structure which is designed to support an antenna and all supporting lines, cables, wires and braces.
- COMPREHENSIVE PLAN.** The group of maps, charts and text that make up the comprehensive long range plan of the City.
- CONDEMN.** Shall mean to adjudge unfit for occupancy.
- 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 conditions to a proposed use.
- CONDOMINIUM.** A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, such dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Sections 515.01 to 515.19.

- CONGREGATE RESIDENCE.** Any building or portion thereof that contains facilities for living, sleeping and sanitation, as required by this ordinance, and may include facilities for eating and cooking and for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, and fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.
- CONTROL MEASURE.** A practice or combination of practices to control erosion and pollution.
- 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.
- CONVENIENCE STORE.** A store selling, on a retail basis, food for consumption off the premises along with other items, including gasoline; differentiated from a grocery store by its size of not more than five thousand (5,000) square feet.
- COOPERATIVE HOUSING.** A multiple family dwelling owned and maintained by the residents. 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.
- COPING.** The covering course of a wall, usually with a sloping top.
- COVENANT.** A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
- CURB LEVEL.** The level of the established curb in front of the building measured at the center of such front.
- DAY CARE, HOME.** A family dwelling in which foster care, supervision and training for children is provided during part of a day with no overnight accommodations and where children are delivered and removed daily.
- DAY CARE, NURSERY.** A non-home service provided to the public, in which children of school or preschool age are cared for during established business hours.
- DECKS.** An uncovered, unenclosed structure with an exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports, which may or may not be attached to the principal building.
- DEPOSITION.** Any rock, soil, gravel, sand or other material deposited naturally or by individuals into a waterbody, watercourse, floodplains or wetlands.
- DESIGN DISTRICTS.** The Design Districts encompass the zoning districts of the B-3: Central Business District, B-2: Highway-Commercial, I-C: Industrial Commercial, I-2: General Industrial, the Belle Plaine Commercial Boulevard, and the Gateway Design District.
- DETENTION FACILITY.** A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.
- DEVELOPER.** A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.
- DISCHARGE.** The release, conveyance, channeling, runoff, or drainage of storm water, including snowmelt, from a construction site.
- DISTRICT.** A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
- DRAINING.** The removal of surface water or groundwater from land.

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- DREDGING.** To enlarge or clean out a waterbody, watercourse, or wetland.
- DRIVE-IN ESTABLISHMENT.** An establishment which accommodates the patron's automobile in which products purchased from the establishment may be consumed.
- DURABLE MATERIAL.** A hard surfaced material such as concrete or asphalt, but not including gravel or crushed rock, as it pertains to ground surfacing.
- DWELLING .** A building wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including hotels and motels
- DWELLING UNIT.** One or more rooms containing complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family.
- DWELLING, ATTACHED.** A dwelling unit which is joined to another dwelling unit or building at one (1) or more sides by a party wall or walls.
- DWELLING, DETACHED.** A dwelling unit which is entirely surrounded by open space on the same lot.
- DWELLING, FARM.** A single family dwelling located on a farm which is used or intended for use by the farm's owner, a relative of the owner, or a person employed thereon.
- DWELLING, MULTIPLE FAMILY.** A building designated with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but having hallways and main entrances and exits.
- DWELLING, SINGLE FAMILY.** A detached dwelling unit designed for occupancy of one (1) family.
- DWELLING, TWO-FAMILY.** A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
- EASEMENT.** A grant by a property owner for the use of a strip of land which includes, but is not limited to, the constructing and maintaining of utilities including sanitary sewer, water mains, electric lines, telephone line, storm sewer or storm drainageway and gas lines.
- EFFICIENCY UNIT OR APARTMENT.** A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets or dining room.
- EGRESS.** An arrangement of exit facilities to assure a safe means of exit from a building
- ELDERLY (SENIOR CITIZEN) HOUSING.** Multiple dwelling buildings with open occupancy, limited to persons over sixty (60) years of age or in accordance with Federal and State Laws and Regulations.
- ELECTRICAL CODE.** The Minnesota State Electrical Code.
- ENERGY DISSIPATION.** The methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to, aprons, riprap, splash pads, and gabions that are designed to prevent erosion.
- EQUAL DEGREE OF ENCROACHMENT.** A method of determining the location of encroachment lines so that floodplain land on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for a significant reach.
- EROSION CONTROL.** Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

- EROSION.** Process that wears away the surface of the land by the action of water, wind, ice or gravity. Erosion can be accelerated by the activities of people and nature.
- ESSENTIAL SERVICES.** Underground or overhead gas, electrical, steam, or water distribution systems; collection, communication, supply, or disposal systems including, but not limited to, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings.
- EXPOSED SOIL AREAS.** All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion.
- EXTERIOR STORAGE.** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- EXTERMINATION.** The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method approved by the code official; and to remove all signs of extermination thereafter
- FAMILY.** An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club, lodge, sorority or fraternity house, as herein described.
- FARM.** A tract of land which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.
- FEEDLOT.** A lot or building, or combination of contiguous lots 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 used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls and domesticated animal zoos shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots .
- FENCE.** A barrier with footings forming a boundary to or enclosing some area.
- FILTER STRIPS.** A vegetated section of land designed to treat runoff as overland sheet flow.
- FINAL STABILIZATION.** All soil disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of seventy-five (75) 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.
- FIRE CODE.** The Minnesota State Fire Code.
- FLOOD .** A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

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- FLOOD FREQUENCY.** The average frequency, statistically determined, for which is expected that a specific flood stage or discharge may be equaled or exceeded. By strict definition, such estimates are designated "exceedence frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specific number of years.
- FLOOD FRINGE.** That portion of the floodplain outside of the floodway.
- FLOOD MANAGEMENT MEASURES, STRUCTURAL.** Physical actions taken to modify the behavior and extent of floods and flooding, including the construction of dams, dikes, levees, flood bypass channels, floodwater storage and retardation structures, and water level control structures, excluding deepening or straightening of existing stream channels.
- FLOOD PEAK.** The highest value of stage or discharge attained during a flood event; thus peak stage or discharge.
- FLOOD PLAIN OBSTRUCTION.** Any storage of material, or equipment, any dam, wall, wharf, embankment, levee, road, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, deposit, clearing of trees or vegetation, structure or matter in, along, across, or projecting, in whole or in part, into any floodplain.
- FLOOD PLAIN.** The channel or beds proper and areas adjoining a watercourse which have been or hereafter may be covered by the regional flood. Floodplain areas within the City shall encompass all areas designated as Zone AE on the Flood Hazard Boundary Map.
- FLOOD PROFILE.** A graph or longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.
- FLOOD PROOFING.** Combination of structural provisions, changes or adjustments to the properties and structures subject to flooding primarily for the reduction or delineation of flood damages.
- FLOOD, REGIONAL.** Flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.
- FLOODWAY.** The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.
- FLOOR AREA RATIO.** The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, "floor area" shall include: a) Basement space if at least one-half (1/2) of the basement story is above established curb level, or where the curb level has not been established, above the average level of the finished grade. b) Elevator shafts and stairwells at each floor. c) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7 ½) feet, except equipment open or enclosed, located on the roof, i.e., bulk needs, water tanks and cooling towers. d) Attic floor space where the structural headroom exceeds seven and one-half (1/2) feet. e) Interior balconies and mezzanines. f) Enclosed porches but not terraces and breezeways. g) Attached accessory uses, other than floor space devoted exclusively to accessory off-street parking or loading.

FLOOR AREA, LIVABLE. The square footage of floor area of a dwelling measured from the outside of the exterior walls, but not including attics, cellars, unfinished basements, open porches, breezeways and garages. Only that floor area having a ceiling height of seven and one-half (7 ½) feet or more shall be considered as livable floor area. An unfinished floor may be included as livable floor area provided plans are submitted to the Zoning Administrator indicating in detail the layout of the rooms and, provided further, rough plumbing, heating ducts, and electric circuits are installed during construction of the building.

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FRONTAGE. See Lot Frontage.

GARAGE, COMMERCIAL STORAGE. A commercial building with compartmentalized stalls intended for rental purposes.

GARAGE, DETACHED. An accessory building intended for and used to store the private passenger vehicles of the family or families residing upon the premises.

GARAGE, RESIDENTIAL. An accessory building or accessory portion of the principal building intended for and used to store the private passenger vehicles of the family or families residing upon the premises.

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 (5) feet from the building, between the building and a line five (5) feet from the building.

GRADING. Changing the natural or existing topography of land.

GREEN SPACE. Those portions of a site landscaped with ground cover such as grass and possibly trees and/or shrubs.

GROUP HOME. A specialized residential facility that provides care on a twenty-four (24) hour basis for a selected group and provides specialized care and a planned treatment program under the direction and control of an agency, institution or independent operator. Children of the group home parents under the age of twenty-one (21) years of age present in the home are included in the total number of children permitted to live in the home.

GUEST ROOM. A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

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- HABITABLE ROOM.** A room or enclosed floor space, used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.
- HEALTH OFFICER.** The legally designated health officer or official of the State, County and/or City.
- HOME OCCUPATION .** Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.
- HOME OCCUPATION, SPECIAL.** Any Home Occupation that does not meet the specific requirements for a permitted Home Occupation.
- HOSPITAL.** A facility for medical diagnosis, treatment and services.
- HOT WATER.** Water supplied to plumbing fixtures at a temperature of not less than 120 degrees F (49 degrees C)
- HOTEL.** Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more 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.
- HYDRIC SOILS.** Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the topsoil.
- HYDROPHYTIC VEGETATION.** Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
- IMPERVIOUS SURFACE.** An artificial or natural surface through which water, air, or roots cannot penetrate.
- INDUSTRY.** An enterprise which involves the production, processing or storage of materials, goods or products.
- INFESTATION** is the presence of insects, rodents, or other pests within or around the dwelling on the premises.
- INTEGRATED DEVELOPMENT.** A grouping of three (3) or more compatible buildings or uses, the development of which was planned as a unit to effect common identity (e.g.: shopping center, industrial park, or apartment complex).
- 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.
- INTEROCK.** This is the painted line or barrier in a parking lot that separates two (2) facing rows of parking from one another.
- JUNK OR SALVAGE YARD.** An open area where waste or scrap materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles. A "junk yard" includes an automobile wrecking or dismantling yard but does not include uses established entirely within closed buildings.
- KENNEL.** A lot or premises on which three (3) or more dogs and/or cats, more than four (4) months of age are kept, except a veterinary clinic.
- KITCHEN.** A room or an area equipped for preparing and cooking food.
- LET.** To give the use of a dwelling, dwelling unit or rooming unit by an owner or manager to a tenant in return for rent.

- LOADING BERTH.** An open, hard-surfaced area, other than the street or public right-of-way, the principal use of which is for the standing, loading, and unloading of trucks and trailers.
- LOADING SPACES.** An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.
- LODGING (BOARDING) HOUSE.** A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.
- LODGING (BOARDING) ROOM.** A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one (1) lodging room.
- LOT .** Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance.
- LOT AREA.** The area of a horizontal plane within the lot lines.
- LOT COVERAGE.** The area of a lot occupied by the principal building and accessory building(s) and impervious surface, if specifically listed in the zoning district.
- LOT DEPTH.** The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.
- LOT FRONTAGE.** The front of a lot shall, for purposes of complying with this Ordinance, be that boundary having the least width, abutting a public right-of-way.
- LOT LINE.** A property boundary line of any lot held in single or separated ownership, except that where any portion of a lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.
- LOT OF RECORD.** A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street or proposed street approved by the Council.
- LOT WIDTH.** The shortest horizontal distance between the side lot lines measured at the required setbacks.
- 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 single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
- LOT, DOUBLE FRONTAGE.** An interior lot having frontage on two (2) streets.
- LOT, INTERIOR.** A lot other than a corner lot.
- LOT, SUBSTANDARD.** A lot or parcel of land for which a deed has been recorded in the office of the Scott 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.** A lot fronting on two parallel streets.

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- LOT, UNIT.** Lots created from the subdivisions of a two family, or multiple, dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.
- MANAGER.** A person or firm who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.
- MANUFACTURED (MOBILE) HOME.** A structure, transportable in one (1) 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, or, when erected on site, is three hundred twenty (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.
- MANUFACTURED HOME PARK.** Any site, lot or tract of land under single ownership designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. This also includes any buildings or structures appurtenant to the park.
- MANUFACTURING, HEAVY.** The manufacture, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located.
- MANUFACTURING, LIGHT.** All uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which the use is located.
- MECHANICAL CODE.** The Minnesota State Mechanical Code.
- METES AND BOUNDS.** A method of property description by means of their direction and distance from an easily identifiable point.
- MINERALS.** Soil, clay, stone, sand and gravel and other similar solid material or substance to be mined from natural deposits.
- MINING OPERATION.** The removal from the land of stone, sand and/or gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial or governmental purposes.
- MINI-STORAGE.** See Garage, Commercial Storage.
- MITIGATION MEASURES.** Structural and nonstructural flood management measures, or both.
- MITIGATION.** The act of alleviating the effects of floods and flooding by moderating or reducing the severe damages resulting from floods through structural and nonstructural flood management measures.
- MODULAR HOME.** A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made permanently affixing the module to the site.
- MONOPOLE.** A wireless communication facility which consists of a single unit without supporting members or structures, erected on the ground to support wireless communication antennas and connecting appurtenances.
- MOTEL.** A building or group of detached, semi-detached or attached buildings on a lot containing guest rooms or dwellings each of which has a separate outside entrance leading directly from the outside of the building, with a garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients. Motels do not include hotels, boarding houses or trailer camps.

MOTOR FREIGHT TERMINAL (TRUCK TERMINAL). A building in which freight brought by motor truck is assembled and sorted for routing in inter-state and intra-state shipment.

MURAL. A painting applied to or affixed and made an integral part of the wall.

NATURAL DRAINAGE SYSTEM. All land surface areas which by nature of their contour configuration collect, store and channel surface water run-off.

NATURAL OBSTRUCTION. Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse or wetland by a non-human cause.

NON-CONFORMING . Does not comply with the applicable regulations of this Ordinance.

NON-CONFORMING BUILDING OR STRUCTURE. A building, or portion thereof, existing at the time of adoption of this Ordinance and not conforming to the regulations for the district in which it is situated except that such a use is not non-conforming if it would be permitted under a conditional use permit where located.

NON-CONFORMING LOT. A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located. See also LOT, SUBSTANDARD.

NON-CONFORMING SIGN. A sign which lawfully existed at the time of the adoption of this Ordinance and does not conform to the requirements thereof and signs and their structures which identify, advertise or provide the direction to a use, business, industry or service which has ceased existence for thirty (30) days or more.

NON-CONFORMING USE OF LAND. Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

NON-CONFORMING USE OF STRUCTURE. A use of a structure which does not conform to the applicable use regulations of the district in which it is located.

NON-PROFIT ORGANIZATION SERVING A CHARITABLE EDUCATIONAL PURPOSE. organization not making a profit with any surplus funds being used to further the organization's purpose. The mission and purpose of the organization must be focused on advancing educational needs for people of all ages.

NORMAL HIGH WATER MARK. A continuous mark of reference at an elevation where land and water meet for some period of record. It is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

NUISANCE. The following shall be defined as nuisances: 1. Any public nuisance known at common law or in equity jurisprudence. 2. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors. 3. Whatever is dangerous to human life or is detrimental to health, as determined by the code official or health officer. 4. Overcrowding a room with occupants. 5. Insufficient ventilation or illumination. 6. Inadequate or unsanitary sewage or plumbing facilities. 7. Uncleanliness, as determined by the health officer. 8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

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- NURSING HOME (REST HOME).** An establishment which provides full-time convalescent or chronic care, or both, for three (3) 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.
- OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.
- OCCUPANT.** A person living alone, or two (2) or more persons all related by blood, marriage or adoption, including foster children, occupying and maintaining a common household in a single dwelling unit, or a group of not more than five (5) persons, any two (2) of whom are not related by blood, marriage or adoption, including foster children, occupying and maintaining a common household in a single dwelling unit.
- OFFICE BUILDING.** A building designed or used primarily for office purposes, no part of which is used for manufacturing.
- OPEN SPACE.** See Common Open Space.
- ORDINARY HIGH WATER LEVEL.** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which 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 flowage, the ordinary high water level is the operating elevation of the normal summer pool.
- OTHER DEVELOPMENT.** Commercial or industrial development resulting in the construction of a building or place of public assembly.
- OWNER.** A person, firm or corporation who, alone, jointly or severally with others, owns or has an ownership interest in a dwelling, dwelling unit or rooming unit within the city.
- PARK.** Public land and local open spaces in the City dedicated and owned by the City to be reserved for recreation or conservation purposes.
- PARKING LOT.** A parcel of land containing one (1) or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as in a residential lot.
- PARKING SPACE.** An area, enclosed in the principal structure, in an accessory building, or unenclosed, sufficient in size to store one (1) vehicle which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile, which is suitably surfaced and permanently maintained off of the public right-of-way, exclusive of passageways, driveways or other means of circulation or access.
- PAVED SURFACE.** A constructed hard, smooth surface made of asphalt, concrete or other pavement material.
- PERSON.** An individual, firm, partnership, association, corporation or organization of any kind.
- PERSONAL SERVICE ESTABLISHMENT.** An establishment or place of business primarily engaged in providing individual services generally related to personal needs, such as a beauty or nail salon, body art, spa, tanning salon, or similar.

PIPELINE EASEMENT. The existing easement or a subsequent easement resulting from the negotiation of a change in the boundaries of the existing easement.

PIPELINE. Pipeline has the meaning given it in Minnesota Statutes, Section 299J.02, subdivision 11.

PLACE OF PUBLIC ASSEMBLY. A site that is occupied by twenty (20) or more persons on at least five (5) days a week for ten (10) weeks in any twelve (12) -month period. The days and weeks need not be consecutive.

PLANNED UNIT DEVELOPMENT. A large lot or tract of land developed as a unit rather than as individual development wherein two (2) or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

PLANNING AND ZONING ADMINISTRATOR. The person(s) employed by the City of Belle Plaine to carry out the provisions of this Ordinance.

PLANNING COMMISSION. The Planning Commission of the City of Belle Plaine as appointed by the Mayor.

PLUMBING CODE is the State of Minnesota Plumbing Code.

PLUMBING SYSTEM is all potable water supplies and distribution pipes, all plumbing fixtures and traps and all drainage and vent pipes

POLE BUILDINGS. Any structure possessing the following characteristics: Structural wood poles or timbers buried in ground on individual footings; metal wall coverings hung vertically of less than twenty-eight (28) gauge. Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utilities, or any similar structure not covering or enclosing a specific area.

PORCH. A covered structure considered part of the principal building.

PREMISES are the dwelling and its land and all buildings thereon and areas thereof.

PRIVATE RECEIVING AND/OR TRANSMITTING ANTENNA. Any antenna erected for noncommercial use of information.

PROPERTY OWNER. Any person, group of persons, association, corporation or any other legal entity having a freehold estate interest, leasehold interest extending for a term, or renewal options for a term in excess of one (1) year, a dominant easement interest or an option to purchase any of same, but not including owners of interests held for security purposes only.

PUBLIC UTILITY. Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone services to the general public. For the purpose of this Ordinance, commercial wireless telecommunications service facilities shall not be considered public utility uses, and are defined separately.

PUBLIC WATER. Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes, Section 103F; however, no lake, pond or floodage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles. Such public water shall be determined by the Minnesota Department of Natural Resources. Any body of water created by a private user where there was no previous shoreland for a designated private use as approved by the Commission of the Minnesota Department of Natural Resources is not included as a public water.

- REACH.** A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would typically constitute a reach.
- RECREATIONAL VEHICLE.** A vehicular portable structure used for amusement, vacation or recreational activities, including but not limited to, travel trailers, motor homes, camping trailers and boats.
- RECYCLING.** Any process by which items or materials, which would otherwise become solid waste, are collected, separated or processed.
- REFUSE** is all putrid and non-putrid waste solids including garbage and rubbish. Putrid are liable to undergo bacterial decomposition when in contact with air and moisture at normal temperatures.
- REGIONAL FLOOD.** A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year reoccurrence interval.
- REGULATORY FLOOD PROTECTION ELEVATION.** The elevation to which uses regulated by this Ordinance are required to be elevated or floodproofed, an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- RENT** is a stated return or payment for the temporary possession of a dwelling, dwelling unit or rooming unit. The return or payment may be money or service or property.
- RESTAURANT.** An establishment which serves food to be consumed primarily while seated at tables or booths within the building.
- RETENTION FACILITY.** A permanent natural or man made structure that provides for the storage of storm water runoff by means of a permanent pool of water.
- RIP RAP.** A foundation or sustaining wall of stones or chunks of concrete thrown together without order used to prevent erosion.
- ROOF LINE.** Is defined as the top of the coping; or, when the building has a pitched roof, as the intersection of the outside wall with the roof.
- ROOMING HOUSE** is a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.
- ROOMING UNIT** is a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes, along with a private or shared sanitation facilities
- SAFETY** is the condition of being reasonably free from danger and hazards, which may cause injury or illness.
- SATELLITE DISH .** A combination of 1) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; 2) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; 3) a coaxial cable whose purpose is to carry the signals into the interior of the building.
- SATELLITE DISH HEIGHT.** Shall mean the height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.

- SCRAP RECYCLING FACILITY.** A building where items such as appliances, electronics, metals and universal wastes, are disassembled or processed; or where segregated waste materials are reprocessed or recycled into usable, salable products. The scrapping or processing of automobile and machinery parts are not included and shall be prohibited at a scrap recycling facility.
- SCREENING.** The use of plant materials, fences or earthen berms to partially conceal the separate land use from the surrounding land use.
- SEDIMENT CONTROL.** The methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.
- SEDIMENT.** The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the Earth's surface either above or below water level.
- SEDIMENTATION.** The process or action of depositing sediment.
- SELECTIVE CUTTING.** The removal of single scattered trees.
- SENSITIVE RESOURCE MANAGEMENT.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or existence of plants or animals in need of special protection.
- SEWAGE - INDIVIDUAL SEWAGE TREATMENT SYSTEM.** Any system for the collection, treatment and dispersions of sewage, including but not limited to, septic tanks, soil absorption systems and drain fields.
- SIGHT TRIANGLE.** A triangle formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line thirty (30) feet from their point of intersection.
- SIGN .** Any letter, word, symbol, device, poster, picture, statuary, reading matter, scoreboard or representation in the nature of an advertisement, announcement, message or visual communication whether painted, pasted, printed, affixed or constructed which is displayed outdoors for informational or communicative purposes.
- SIGN SETBACK.** The required minimum horizontal distance between any part of a sign and the related front, side or rear property lines.
- SIGN, ADDRESS.** A sign for postal identification numbers only, whether written or in number form, communicating the street address and/or name of the occupant of the property.
- SIGN, ADVERTISING.** A sign which directs attention to a commodity, service or entertainment that is sold or offered either elsewhere or upon the premises where such sign is located, or to which it is affixed.
- SIGN, AREA IDENTIFICATION.** A freestanding sign, on the identified premise, which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex, a shopping center or area, an industrial area, an office complex or any combination of the above.
- SIGN, BANNERS AND PENNANTS.** Any attention-getting devices and are of a non-permanent paper, cloth, vinyl or plastic-like material.

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- SIGN, BILLBOARD.** An advertising sign located off the premises where the advertised product is sold or offered. It is usually, but not necessarily, owned by an advertising company.
- SIGN, BUSINESS.** A sign which identifies a business or profession, commodity or service sold or offered upon the premises where such a sign is located.
- SIGN, CAMPAIGN.** A sign which identifies and promotes the election of a political candidate.
- SIGN, COMMUNITY.** Signs erected and maintained by the City of Belle Plaine within the corporate limits with the purpose of identifying and promoting the community.
- SIGN, DIRECTIONAL.** A sign for the purpose of making specific commercial, industrial, or public or semipublic locations known and to assist in finding these locations.
- SIGN, FLASHING.** Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance any revolving, illuminated sign shall be considered a "flashing sign".
- SIGN, FREE-STANDING MONUMENT.** A sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is fifty (50) percent or more of the greatest width of the sign.
- SIGN, FREE-STANDING PYLON.** A sign supported by a post or posts so that the sign supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of ten (10) percent up to and including fifty (50) percent of the greatest width of the sign.
- SIGN, FREE-STANDING.** A sign which is supported by upright braces or posts and is placed upon or in the ground and not affixed to any part of any building.
- SIGN, GOVERNMENTAL.** A sign which is erected by a governmental unit for the purpose of identification and directing or guiding of traffic.
- SIGN, IDENTIFICATION.** A sign which, identifies a residential, commercial, industrial, or public use located upon the premises where such sign is located, or to which such sign is affixed.
- SIGN, ILLUMINATED.** Any sign upon which artificial light is directed or which has an interior light source.
- SIGN, INSTITUTIONAL.** A sign which identifies the name and other characteristics of a public or private institution on the site where the sign is located.
- SIGN, JOINT IDENTIFICATION.** A sign which serves as common or collective identification for a group of businesses or uses operating on the same zoning lot (e.g., shopping center, office complex, etc.). Such sign may name the individual businesses or uses in the development.
- SIGN, MOTION.** A sign which revolves, rotates or moves in any way by mechanical means.
- SIGN, NAME PLATE.** A sign indicating the name and/or address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.
- SIGN, NON-COMMERCIAL.** A sign which identifies and promotes the election of a political candidate.
- SIGN, OFF-PREMISE.** A sign which advertises a business, commodity, service, or entertainment conducted, sold, or offered elsewhere other than upon the lot where the sign is installed.
- SIGN, ON-PREMISE.** A sign which advertises the business, commodity, service, or entertainment, offered upon the same zoning lot on which the sign is located.

- SIGN, PERMANENT.** Any sign which is not temporary. Banners shall not be considered to be a permanent sign.
- SIGN, PORTABLE.** A sign so designed as to be movable from one (1) location to another and which is not permanently attached to the ground, sales display device or structure.
- SIGN, PROJECTING.** A sign, other than a wall sign, any portion of which, projects over public property.
- SIGN, REAL ESTATE.** An on-premise sign for the purpose of advertising the sale or lease or the completion of the sale or lease of real estate, or directing attention to the opening or location of a new residential development.
- SIGN, ROOF.** Any sign erected upon or projecting above the roof line of a structure to which it is affixed.
- SIGN, SANDWICH.** A temporary sign with two (2) faces that is designed to sit on the sidewalk or ground, that can be closed when removed.
- SIGN, SERVICE CLUB.** A sign not exceeding eight (8) square feet whose erection is authorized by law relating to non-profit service clubs or charitable associations; in accordance with State Statute 173 as may be amended from time to time.
- SIGN, SURFACE AREA.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements or same; however, such perimeter shall not include any structural elements lying outside the limits of such sign, and not forming an integral part of the display. In the case of a free-standing sign with two (2) back-to-back surfaces each surface may be equal the allowable gross area.
- SIGN, TEMPORARY.** A sign applying to a seasonal or other brief activity including the promotion of an on-premises product or services, which is designed or intended to be displayed for a short period of time and not permanently installed. This includes, but is not limited to, items such as posters, banners, pennants, flags of other than a political jurisdiction. Beacons, sandwich or curb signs, portable signs and balloons or other air or gas filled figures are not permitted. Signs other than temporary signs shall be considered permanent signs.
- SIGN, WALL.** Any sign which is affixed to the wall of a building, but shall not include a sign painted directly on the wall of the building.
- SLOPE.** The degree of deviation of a surface from the horizontal usually expressed in percent or degrees.
- SOIL.** The unconsolidated mineral and organic material on the immediate surface of the Earth.
- SPANDREL.** The space between the right or left exterior curve of an arch and an enclosing right angle.
- STABILIZED.** The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, or other material that prevents erosion.
- STACKING SPACE.** A portion of a driveway used for automobiles or trucks in a queue.
- STEEP SLOPE.** Land where agricultural activity or development is either not recommended or described as poorly suited 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 these Ordinances. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

STORM WATER. Under Minnesota Rule 7077.0105, subpart 41b storm water, “means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.”

STORY, HALF. That portion of a building under a gable, hip or gambrel roof, the wall plate of which, on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STORY. That portion of a building included above and between the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. A basement is not considered a story.

STREET FRONTAGE. See LOT FRONTAGE.

STREET LINE. The dividing line between the lot and the street.

STREET WIDTH. The width of the right-of-way, measured at right angles to the centerline of the street.

STREET, ARTERIAL. A street which provides for the movement of heavy traffic on relatively long trips. It has a secondary function of providing access to abutting land.

STREET, COLLECTOR. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

STREET, LOCAL. A street used primarily for access to abutting properties and for local traffic movement.

STREET. A platted public thoroughfare affording for current or future means of access to abutting property.

STRUCTURAL ALTERATIONS. Any changes in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof or the exterior walls.

STRUCTURE. Anything which is built, constructed or erected. An edifice or building of any kind or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.

SUBDIVISION. Any tract of land divided into building lots for private, public, commercial, industrial, etc., development.

SUBSTANDARD BUILDING. Any building where any condition exists that endangers the life, limb, health, safety or welfare of the public or the occupants thereof.

SWIMMING POOL or “POOL”. A permanent structure which is not completely enclosed within a building, whether below ground, above ground level, or partially above and partially below ground, intended for non-commercial use as a swimming pool and which exceeds thirty-six inches (36”) in depth capacity and has a surface area exceeding one hundred (100) square feet.

TENANT. Person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOWER HEIGHT. The height as determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower, including all antennae or other attachments.

- TOWNHOUSES.** Structures housing two (2) or more dwelling units of not more than two (2) stories each and contiguous to each other only by sharing one (1) common wall, such structures to be of the townhouse type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units, and each dwelling unit shall have separate and individual front and rear entrances.
- TREE, SUBSTANTIAL.** A tree which requires replacement under the tree and woodland preservation section of this Ordinance shall have a diameter of eight (8) inches, as measured four (4) feet from the base of the tree.
- 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 performance standards of this Ordinance.
- USE, ACCESSORY.** A use incidental or accessory to the principal use of a lot or a building located on the same lot with a building but detached therefrom.
- USE, CONDITIONAL.** A use, which because of special conditions, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Belle Plaine Comprehensive Plan.
- USE, INCOMPATIBLE.** A use which is incapable of direct association with certain other uses because it is contradictory, incongruent or discordant.
- USE, PERMITTED.** A use which 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.
- USE, PRINCIPAL.** The main use of land or buildings as distinguished from subordinate or accessory uses.
- USE, PUBLIC.** Uses owned or operated by municipal, school districts, county, state or other governmental units.
- USES, AGRICULTURE.** Those uses commonly associated with the growing of produce on farms. These include, but are not limited to, field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding; but not including fur farms, commercial animal feed lots, and kennels.
- VACATION.** The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.
- VARIANCE.** The waiving action of the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.
- VEGETATED OR GRASSY SWALES.** A vegetated earthen channel than conveys storm water, while treating the storm water by biofiltration.
- VEGETATION.** The sum total of plant life in some area or a plant community with distinguishable characteristics.
- VEHICLE REPAIR.** General repair, rebuilding or reconditioning engines, motor vehicles, or trailers; collision service, including but not limited to, body, frame, or fender straightening or repair; painting and vehicle steam cleaning.
- VEHICLE SALES LOT.** An open area other than a street, used for the display, sale or rental of new or used motor vehicles in operable condition and where no repair work is done.

- VEHICLE SERVICE STATION.** A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles. (Not to include major repairs.)
- VEHICLE WASH.** See CAR WASH.
- VEHICLE WRECKING OR VEHICLE JUNK YARD.** Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles, or merchandise.
- VETERINARY CLINIC.** A facility to treat diseases and injuries of animals and may include overnight stay.
- VISUALLY INCONSPICUOUS.** Difficult to be seen and not readily noticeable from any point on the river or valley during the time when the leaves are on the deciduous trees.
- WATERBODY.** A body of water (lake, pond) in 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, such as rivers, streams or creeks and may flow year around or intermittently.
- WATERS OF THE STATE.** As defined in Minnesota Statutes section 115.01, subdivision 22, the term "waters of state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of any portion thereof.
- WATERSHED.** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.
- WETLANDS.** 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 the purposes of this definition, wetlands must have the following three attributes: A. Have a predominance of hydric soils; B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and C. Under normal circumstances support a prevalence of such vegetation.
- WIND ENERGY CONVERSION SYSTEM (WECS).** 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).
- YARD, FRONT.** A yard extending across the front of the lot between the side of lot 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.
- YARD.** An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

ZERO LOT LINE. The reduction of side yard setback requirements to zero (0), permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line, no portion of the structure or accessory appurtenance shall project over the lot line.

ZONING DISTRICT. An area or areas within the limits of the City for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

ZONING MAP. The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning district.

(Ord. 08-06, Section 1101.00, Adopted October 20, 2008.)

(Ord. 09-01, Section 1103.12, Adopted June 1, 2009.)

(Ord. 09-03, Sections 1101.01, 1105.04 and 1106.01, Adopted July 20, 2009.)

(Ord. 11-03, Sections 1101, 1104 and 1105, Adopted May 16, 2011.)

(Ord. 14-05, Sections 1101, 1105 and 1106, Adopted May 19, 2014.)

(Ord. 15-01, Section 1101, Adopted February 17, 2015.)