

Section 2: Rules and Definitions

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2.01 Application of Rules:

- Subd. 1.** The language contained in this Ordinance shall be interpreted in accordance with the following rules of construction as applicable:
- A. Unless the context clearly requires otherwise, the singular includes the plural and the plural the singular.
 - B. Unless the context clearly requires otherwise, the use of the past, present, or future tense shall include the other tenses.
 - C. Unless the context clearly requires otherwise, the use of masculine, feminine, or neuter gender shall include the other genders.
 - D. Whenever a word or term defined hereinafter appears in this Ordinance, its meaning shall be construed as set forth in such definition.
 - E. In the event of conflicting provisions, the more restrictive shall apply.
 - F. The word "shall" is always mandatory and not merely discretionary.
 - G. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirement for the promotion of public health, safety, and general welfare.
 - H. Unless clearly in conflict with the provisions of this Code, or otherwise clearly inapplicable, rules of construction established for the State of Minnesota by statutes or case law shall apply in the construction of this Ordinance.

- 2.02 Definitions:** For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given them solely for the purposes of implementation of this Ordinance:

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

Accessory Use or Accessory Structure (Accessory Buildings). A use or

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structure in the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Examples of accessory structures include garages (attached or detached), greenhouses, fences, gazebos, storage sheds, tool sheds, platforms, decks, etc.

Adjacent. When referring to adjacent lots or land, adjacent shall mean a lot that shares all or part of a common lot line with another lot. For the purposes of this definition, adjacent shall also refer to those properties separated only by a railroad, utility right-of-way, public street, or a trail corridor less than one hundred (100) feet wide.

Agricultural Use. The use of land for the growing and/or production of field crops, livestock, and livestock products including but not limited to the following:

1. Field crops, including: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
2. Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, ponies, deer, rabbits.
3. Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.
4. Tree farms which are limited to the planting, growing, and harvesting of trees.

Agricultural Building or Structure. Any building or structure existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

Airport. The Maple Lake Municipal Airport.

Alley. A public or private right-of-way which affords a secondary means of access to abutting property.

Animals.

1. Domestic Animals. For purposes of this Section, 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 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.
2. Farm Animals. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses, and other animals commonly accepted as farm animals in the State of Minnesota.

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Animal Shelter. A fully enclosed building where domestic animals are cared for on a temporary basis but not including boarding, grooming, kenneling or similar activities of animals other than those surrendered or impounded.

Antenna. That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves.

Apartment. A room or suite of rooms, located in a one or two family structure or a multiple dwelling, which includes a bath and kitchen accommodations, and is intended or designed for use as an independent residence by an individual or family.

Applicant. The owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Ordinance are being considered for or reviewed.

Attorney or City Attorney. The person designated by the City Council to be the City Attorney for the City of Maple Lake.

Average Ground Level. The average ground elevation at least 5 years prior to construction at the corners of a principal or accessory building footprint. Said average ground elevation shall be established from topographic maps on file at City Hall or as determined by the City Engineer.

Balcony. A landing or porch which may project from the wall of a building and which may serve as a means of egress.

Basement. A portion of a building located partly underground but having less than half of its floor-to-ceiling height below the average grade of the adjoining ground.

Bay. Cantilevered area of a room.

BB or bb. An abbreviation meaning balled and burlapped and used to describe the root treatment of certain plant materials.

Berm. A landscaped mound of earth used to separate incompatible uses, screen offsite views of development, mitigate noise impacts, and create aesthetic interest.

Best Management Practices. A technique or series of techniques which, when used in an erosion control plan, is proven to be effective in controlling construction related runoff, erosion, and sedimentation.

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Block. An area of land within a plat, containing lots, that is entirely bounded by streets, or by a combination of streets, railroad right-of-way, the exterior boundary or boundaries of the subdivision, or the shoreline of the above with a river, stream or lake.

Boarding House (Room or Lodging House). A building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed twenty persons.

Boulevard. That portion of the street right-of-way between the curb line or edge of pavement and the property line.

Buffer Yard/Zone. A strip of land utilized to separate, screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, water quality, or other impacts.

Buildable Area. The portion of a lot remaining after yards have been provided.

Building. A structure having a roof supported by columns or walls. When separated by division walls without openings, each portion of the building shall be deemed a separate building.

Building Coverage. The term building coverage, as referenced in this Ordinance, shall include the principal building and any attachments thereto which contain a roof. Accessory buildings and structures which contain a roof and are in excess of 120 square feet in dimension shall be included.

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

Building Inspector. The person designated by the City Council to be the Building Inspector for the City of Maple Lake. An authorized representative of the City Council assigned to make any or all necessary inspections of the work performed and materials furnished by a developer.

Building Line. Also referred to as a setback line, the line beyond which property owners or others have no legal or vested right to extend a building or any part thereof without special permission and approval of the proper authorities.

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

Caliper. The diameter of a tree trunk measured 6 inches above the ground for trees less than 4 inches in diameter, and 12 inches above the ground for trees more than 4 inches in diameter.

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

Car Wash. A building or area that provides facilities for washing and cleaning motor vehicles which may be either automated/self-service or attended facilities.

Cemetery. A parcel or tract of land used or intended to be used for the burial of the dead including crematories, mausoleums, and mortuaries when operated within the boundaries of such cemetery.

Church. See Religious Institution.

City. The City of Maple Lake, Wright County, Minnesota.

City Advisory Committee. Committee that consists of both council members and non-council members such as the Park Committee and Airport Committee.

City Code. The Maple Lake City Code.

City Council. The governing body of the City of Maple Lake.

Clear-Cutting. The removal of an entire stand of vegetation.

Clinic. A clinic, for the purpose of this Code, is a public or proprietary institution providing diagnostic, therapeutic, or preventative treatment of ambulatory patients by a group of doctors in the same building for the purposes aforesaid.

Club or Lodge. A club or lodge is an association of persons who are bona fide members paying annual dues, and whose premises are restricted to members and their guests.

Cluster Development. A planned unit development consisting only of residential units.

Commercial Planned Unit Development. See Planned Unit Development.

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Commercial Recreation. Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theater, firearms range, boat rental, amusement ride, campground, park, and similar uses.

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

Commercial Vehicle. A motor vehicle that is defined as a commercial vehicle under Minnesota Statutes.

Common Open Space. Any open space including parks, nature areas, playgrounds, trails, and recreational buildings and structures owned in common by a group of property owners.

Comprehensive Plan. The Maple Lake Comprehensive Plan, as may be amended. The Comprehensive Plan adopted by the City Council, indicating the goals and policies, and interrelated plans for land use, transportation, public utilities, parks and recreation, and community facilities, which constitute the guide for future development in the City.

Conditional Use. A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion.

Conditional Use Permit. A permit issued by the Council in accordance with procedures specified in this Chapter, 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. Frequently identified by its initials CUP or C.U.P.

Condominium. A form of individual ownership within a multifamily building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant and is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Section 515.01 through 515.29, as may be amended.

Covenant (Protective/Restrictive). Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area, which are recorded in the Office of the Wright County Recorder or the Registrar of Titles. Protective covenants are enforced only by the landowners involved and not by the City or other public agency.

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Convenience Food Establishment. See Restaurant, Convenience (Fast) Food.

Curb Level. The grade elevation of the curb in front of the center of the building. Where no curb level has been established, the City Engineer shall determine a curb level or its equivalent for the purpose of this Ordinance.

Day Care Facility. Any state licensed facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four hours per day. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs, and day services, as defined in Minnesota Statutes, Section 245.782, Subd. 5, as may be amended.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending above ground.

Density. The number of dwelling units per gross acre of land.

Density, net. The number of dwelling units per buildable acres of land.

Department Store. A business wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and service are furnished.

Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of material or equipment.

Display, Outside. A class of storage outside the principal building where merchandise is visible and which may involve active sales as well as passive sales (where items can be taken inside for actual purchase). Outside display of merchandise may be temporary or permanent depending upon the conditions of the permit and respective zoning district requirements of this Ordinance.

District. A section or sections of the City for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

Drainage Course. A water course or indenture for the transmission of surface

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water.

Drive-Through Facility. An establishment (principal or accessory use) at which patrons may purchase products or receive service without having to leave the motor vehicle. A motor fuel station is not considered to be a Drive-Through Facility.

Dwelling, Attached. A building where a dwelling unit is joined in a horizontal fashion to one or more dwelling units by party wall or walls.

Dwelling, Detached. A dwelling unit entirely surrounded by open space.

Dwelling, Efficiency Apartment. A dwelling unit consisting of 1 principal room exclusive of bathroom, hallway, closets, or dining alcove.

Dwelling, Elderly (Senior Citizen). Multiple family dwelling designed for and occupied primarily by persons over 55 years of age, and which may include on-site recreational, social, or health care services for the benefit of the residents.

Dwelling, Manufactured Home. As defined in Minnesota Statute section 327.31, subd. 6, as may be amended: A structure transportable in 1 or more sections which, in the transporting mode, is 8 body feet or more in width, or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling 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 Secretary of the United States Department of Housing and Urban Development and complies with the standards established under Minnesota Statutes.

Dwelling, Townhouse. Structures housing 3 to 4 dwelling units contiguous to each other only by the sharing of 1 or more common walls with each unit having a separate entrance/exit; such structures are of the townhouse or row house type as contrasted to multiple family dwelling apartment structures.

Earth Sheltered Building. An earth sheltered building is one that is constructed so that 50 percent or more of the exterior surface is covered or in contact with earth. Exterior surface includes all walls and roof, but excludes garages and other accessory buildings. Earth covering on walls is measured from the floor of the structure's lowest level. Earth covering on the roof must be at least 12 inches deep to be included in calculations of earth covering. Partially completed buildings shall not be considered earthsheltered.

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Easement. A grant by a property owner for the use of land for the purpose of constructing and maintaining drives, utilities, and the like, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewers or storm drainageways, gas lines, sidewalks, and trails.

Engineer or City Engineer. The person designated by the City Council to be the City Engineer for the City of Maple Lake.

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. The wearing away of the ground surface as a result of the movement of wind, water, or ice.

Essential Services. Underground or overhead telephone, gas, electrical, communication, water, or sewer transmission, distribution, collection, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments, including the erection, construction, alteration, or maintenance thereof. Transmission reception support structures and antennas shall not be considered an essential service.

Excavation. Any non-agricultural alteration of earth exceeding 50 square feet of surface area or 2 feet in depth, made by the displacement of the natural surface of the earth, soil, sand, gravel, stone, or other natural matter.

Exterior Storage. The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Extraction Area. Any nonagricultural, artificial excavation of earth exceeding 50 square feet of surface area or 2 feet in depth, excluding basements, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone or other natural matter, or made by turning, breaking, or undermining the surface of the earth for the purpose of removing minerals or borrow of fill.

Family. An individual or 2 or more persons each related to the other by blood,

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marriage, adoption, or foster care, or a group of not more than 3 persons not so related maintaining a common household and using common cooking and kitchen facilities.

Farm. An unplatted tract of land containing 10 or more acres, or 2 or more abutting parcels under the same ownership having a total area of more than 10 acres on which crops and often livestock are raised for a principal or major source of income. Such farms may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

Farm, Hobby. A tract of land generally consisting of less than 10 acres in size with a house and accessory buildings on which crops and often livestock are raised but not as a principal source of income. A hobby farm shall not qualify for exemptions provided in this Section for farms.

Farm Residence. Property located in the AG zone on which a single family residence is located and farming operations is a primary use.

Feedlots. A lot or building or combination of 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, mink ranches, and zoos, shall be considered to be animal feedlots. Pastures and any area described above which contains 10 farm animals or less shall not be considered animal feedlots for purposes of this Ordinance.

Fence. Any lineal accessory structure used to prevent access by persons or animals, or to prevent visual or sound transference. Fences shall not include retaining walls as defined in this Ordinance. Temporary garden type border fencing (not to exceed 1 foot in height) shall not be considered a fence for purposes of this Ordinance.

Filling. The act of depositing any rock, soil, gravel, sand, or other material so as to fill or partly fill a waterbody, watercourse, wetland, channel, natural or excavated hole, trench, or other swell or depression in the earth.

Flood. A temporary rise in a stream flow or stage which results in inundation of the areas adjacent to the channel.

Flood Frequency. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded. By

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strict definition, such estimates are designed "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.

Floor Area. The sum of the gross horizontal areas of the several floors of the building or the portions thereof, devoted to a particular use, including accessory storage areas located within the selling or working space such as counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. Floor area of residences shall not include basement area or the area of attached or unattached garages, enclosed breezeways or porches.

Floor Plan, General. A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

Frontage. The width of a lot or building site measured on the line separating it from a public street right-of-way.

Garage. An accessory building or accessory portion of the principal building which is intended for and used to store the private motor vehicles of the family or families resident upon the premises. Garages are further defined as attached or detached structures having 4 walls and a roof.

Governing Body. Maple Lake City Council.

Grade, Percentage of. The rise or fall of a street in feet and tenths of a foot for each 100 feet of horizontal distance measured at the center line of the street, or similar ratio of land elevations measured against an established baseline.

Grading. Changing the natural or existing topography of land.

Greenway. A linear park, alternative transportation route, or open space area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open space or natural areas as indicated in the Comprehensive Plan.

Gross Acreage. The total size of a development area in acres including but not

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limited to streets, parks and open space, and utility easements.

Home Occupation, Interim. An occupation or profession engaged in by the occupant of a residential dwelling unit which is secondary to the residential use and does not change the nature of the residential use but may have a minimal exterior indication of the business use. This type of home occupation may involve employees and a minimal increase in traffic and demand for parking. Interim Home Occupations shall be subject to additional restrictions and conditions to minimize the effect of this use on neighboring residential property.

Home Occupation, Permitted. An occupation or profession engaged in by the occupant of a residential dwelling unit which is clearly incidental and secondary to the residential use and does not change the nature of the residential use. It shall have no exterior evidence of the occupation, except an exterior sign as permitted in Section 53 (Signs), no significant increase in traffic or demand for parking, no significant increase in levels of noise, air, or other pollution, and no persons employed in the business who do not reside in the dwelling. It may have only limited retail sales activity.

Hotel or Motel. Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing 6 or more guest rooms, used, designated or intended to be used, let or hired out to be occupied, or which are occupied by 6 or more individuals for compensation, whether the compensation is to be paid directly or indirectly.

Impervious Surface. An artificial or natural surface that is highly resistant to infiltration by water. It includes, but is not limited to surfaces such as compacted sand, clay, or gravel as well as most conventionally surfaced streets, roofs, swimming pools, sidewalks in excess of 3 feet in width, parking lots, and other similar structures, but not including decks or platforms where at least 1/4 inch gaps are provided between deck boards for water to drain.

Individual Sewage Treatment System (ISTS). A septic tank, and drainfield, or other sewage treatment system approved for private, individual use by the Minnesota Pollution Control Agency.

Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Interim Use. A temporary use of property until a particular date or until the occurrence of a particular event.

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Interim Use Permit. A permit issued in accordance with procedures specified in this Ordinance as a flexible device to enable the City Council to assign time limits and conditions to a proposed use after consideration of current or future adjacent uses and their functions. May be referred to by its initials I.U.P.

Junk (Refuse). Any scrap, waste, reclaimable material or debris, whether or not stored or in conjunction with dismantling, processing, salvaging, storing, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood, and lumber.

Junk Yard. An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, an auto wrecking yard, scrap iron and other metals, paper, appliances, furniture, rags, rubber, tires, and bottles.

Kennel, Commercial. A commercial kennel is a place where 3 or more dogs over 6 months of age are kept for purposes of breeding, training, sale, or boarding for a profit. A commercial kennel must have a Conditional Use Permit and a valid commercial kennel license, renewable annually. Dogs so kept shall be licensed.

Kennel, Hobby. A hobby kennel is a place where 3 or more dogs over 6 months of age are kept primarily outside in a kennel but not for the purposes of breeding, training, sale, or boarding for a profit. A hobby kennel must have a Conditional Use Permit and valid hobby license, renewable annually. Dogs so kept shall be licensed.

Landscaping. Plantings such as trees, flowers, grass, and shrubs and improvements directly related thereto.

Loading Berth/Space (Off-Street). A formally delineated space, area, or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials.

Lot. A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership. Lots may be classified as follows:

1. **Lot, Base.** Lots meeting all specifications in the Zoning District prior to being subdivided into a multifamily subdivision.
2. **Lot, Corner.** A lot situated at the intersection of 2 streets.

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3. **Lot, Double Frontage.** An interior lot having frontage on 2 streets.
4. **Lot, Interior.** A lot other than a corner lot.

Manufactured Home. See Dwelling, Manufactured Home.

Manufacturing. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products.

Metes and Bounds Description. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot, or area by described lines or portions thereof.

Minerals. Soil, clay, stone, sand, and gravel and other similar solid material or substance to be mined from natural deposits.

Mining. All or any part of the process involved in the extraction of soils, aggregate, bedrock, or minerals.

Mixed Residential Development. A development consisting of single-family detached and single-family attached dwelling units.

Model Home. A home which is similar to others in a new residential development and is temporarily open to regular public inspections for the purpose of selling other homes in the development.

Motel. See Hotel.

Motor Vehicle Repair, Major. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service including body, frame, or fender straightening or repair; overall painting and upholstering; and/or vehicle steam cleaning.

Motor Vehicle Repair, Minor. Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under Motor Vehicle Repair, Major.

Natural Drainage System. All land surface areas which by nature of their

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contour configuration, collect, store, and channel surface water runoff.

Nonconforming Structure or Use, Illegal. A structure or use that has been established in a manner that does not conform to the applicable conditions required by the regulations in place at the time the structure or use was established.

Nonconforming Structure or Use, Legal. Any lawfully established structure or use which on January 1, 2005 (effective date of Ordinance) does not conform to the applicable conditions if the structure or use was to be erected under the guidance of this Ordinance.

Noxious Matter or Material. Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well being of individuals.

Nursery, Farm. A wholesale operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on site or established in the ground prior to sale.

Nursing Home (Rest Home). A building having accommodations where care is provided for 2 or more invalids, infirmed, aged, convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums or similar institutions.

Obstruction (Floodplain). Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projection into any channel, watercourse, or regulatory flood hazard area 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, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Occupancy. The purpose for which a building is used or designed. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Occupant. Any person (including owner or operator) living, sleeping, cooking or eating within a dwelling unit.

Official Map. The map established by the governing body, in accordance with the Municipal Planning Act, Minnesota Statutes Chapter 462), showing streets, highways, parks, and drainage, both existing and proposed.

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Open Sales Lot. Any open land used or occupied for the purpose of buying, selling, and/or renting of merchandise and for the storing of same prior to sale.

Open Space. (See Usable Open Space).

Outlot. A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A). Outlots are used to designate one of the following: land that is part of the subdivision but is to be final platted into lots and blocks at a later date; land that is to be used for a specific purpose as designated in a development agreement or other agreement between the City and the developer.

Owner. An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

Parapet. A low protective wall or barrier at the edge of a roof.

Parking Ramp. An accessory structure designed and used for the storage of motor vehicles at, below, and/or above grade.

Parking Space. An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one automobile, which has adequate access to a public street or alley and permits satisfactory ingress and egress of an automobile.

Patio. A level, surfaced area directly adjacent to a principal building at or within 30 inches of average ground level, without a permanent roof and detached from the principal structure, which is intended for outdoor lounging, dining and the like.

Pedestrian and/or Bicycle Trail. An easement or land dedication given to the City for the purpose of providing walking and/or bicycling areas to City residents. The trails shall provide recreational opportunity and also access to parks, natural areas, and public land in accordance with the Comprehensive Plan.

Pedestrian Way. A public right-of-way or private easement across a block or within a block to provide access for pedestrians, such as sidewalks and trails, and which may be used for the installation of utility lines.

Performance Standard. Criterion established to regulate uses, including but not limited to, dimensional, environmental, operational, and architectural standards.

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Permitted Use. 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 district.

Person. Any individual or legal entity.

Physical Disability. Encompasses those orthopedic, incoordinative, sight, and hearing disabilities that culminate in the significant reduction of mobility, flexibility, coordination, or perceptiveness and that, singly or in combination, interfere with the individual's ability to live and function independently; that are not the result of the normal aging process; and that are medically diagnosed as chronic conditions.

Planned Unit Development (PUD). A type of development characterized by high design standards with a unified site design for a number of dwelling units or dwelling sites on a parcel, or a commercial or industrial development which contains 2 or more principal buildings. The units or buildings may be for sale, rent, or lease, and may also involve clustering of the units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units.

Planner or City Planner. The person designated by the City Council to be the City Planner for the City of Maple Lake, unless otherwise stated.

Planning Commission. The Maple Lake Planning Commission, except when otherwise designated.

Plat. The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes Chapter 505, as may be amended.

Prefabricated Building. Any building or building module intended for use as a one or two family dwelling, or an accessory building, which is of closed construction and which is constructed, on or off the building site, for installation, or assembly and installation, on the building site, but does not include relocatable contractors offices or storage buildings that are 1,500 square feet or less in floor area, that are designed for temporary use by a contractor at a construction site, that are not to be used by the general public or as a sales office, and that will be removed prior to or upon completion of the construction project.

Principal Structure or Use. The main use of land or buildings as distinguished from subordinate or accessory uses. "Principal use" may be either permitted,

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interim, conditional or allowed by administrative permit. Such a use is to be interpreted in the general, broad sense of a given use classification, such as residential, commercial, industrial, etc. and is comprised of and limited to one or more activities specified in a given zoning district.

Property Line. The legal boundaries of a parcel of property.

Public Land. Land owned and operated by municipal, school district, county, state, or other governmental units.

Public Open Space. Open space owned by the city, county, state, or other governmental units.

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

Public Utility. Persons, corporations, or governments supplying electric, gas, transportation, water, sewer, or landline telephone service to the general public. For the purpose of this Ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

Public Waters. Any waters as defined by Minnesota Statutes, Section 103G.005, Subd. 15, as may be amended.

Publication. Notice placed in the official City newspaper stating time, location and date of meeting and description of topic.

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 be typical of a *Reach*.

Recreation, Commercial. All uses such as tennis, racquetball, golf, clubs, riding stables, amusement centers, bowling alleys, roller and ice skating rinks, driving ranges, movie theaters, carnivals, and amusement rides that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Recreation Equipment. Basketball hoops and backboards, baseball pitch-backs and similar equipment intended to return a thrown or kicked ball or other object, volleyball nets, badminton nets, croquet stakes, horseshoe stakes, play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 26 feet in length, picnic tables, lawn chairs, barbecue stands,

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and similar equipment or structures but not including tree houses, swimming pools, playhouses exceeding 25 square feet of floor area, or sheds utilized for storage of equipment.

Recreation, Field or Building. An area of land, water, or any building in which amusement, recreation, or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of any assembly or not. A golf course, arena, baseball park, stadium, circus, or gymnasium is a recreation field or building for the purpose of this Ordinance.

Recreation, Public. All uses 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.

Recreational Vehicle. A self-propelled vehicle which is used primarily for recreational-leisure time activities and purposes, including but not limited to motor homes, travel trailers, snowmobiles, boats, jet skis, dirt bikes, and ATVs, and which are operable and licensed, as required by the State of Minnesota.

Refuse. Perishable and non-perishable solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

Registered Land Survey. A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. (See Minn. Stat. § 508.47, as may be amended).

Regulatory Flood Protection Elevation. A point not less than one foot above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study plus any increase in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this chapter are required to be elevated or floodproofed.

Religious Building. A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

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Required Open Space. Portions of a lot or premises specifically required to be left open in the use district in which the lot is located.

Residential Care Facility. Any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24-hour-per day substitute for the care, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential Care Facilities include, but are not limited to, state institutions under the control of the Commissioner of Public Welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children. To the extent that this definition conflicts with the provisions of Minnesota Statute Section 462.357, Subds. 7 and 8, as may be amended, the provisions of state law will control.

Restaurant. An establishment which serves food in or on non-disposable dishes. Customers are generally seated at tables, booths, or eating counters within the building where food is typically served for consumption by waiters or waitresses rather than served as pick-up stations by clerks.

Restaurant, Convenience (Fast) Food. An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises. Customers are generally served at a pick-up station by clerks rather than served at tables, booths, or eating counters by waiters or waitresses. Also, commonly known as fast food establishments.

Restaurant, Delivery or Take Out. An establishment where the exclusive operation is limited to the preparation and sale of food in disposable containers for consumption off the premises. All food sales shall be over the counter sales to customers who pick up and take out food orders or to food sales which are delivered directly to the customer at a place designated by the customer. Over the counter pick-up and take-out food sales shall not include sales from a drive through service window.

Restaurant, Drive In (Not Drive Through Type). Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages on the premises, typically eaten in the customer's vehicle on the site.

Restaurant, Special Event and Catering. An establishment having a minimum seating capacity of 160 providing food and beverage services, which may include accessory on-sale liquor and live entertainment, where meals are regularly prepared on the premises and served at tables for special events sponsored by persons or entities who are members of the general public, but which is not open

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for business on a daily basis, and which may provide catering services for special events for consumption off the premises.

Retail Business. An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retaining Wall. A structure constructed and erected to prevent erosion between two areas or pieces of property of different elevations.

Right-of-Way. A land corridor occupied or intended to be occupied by a street, pedestrian way, water main, sanitary or storm sewer main, or for another use specifically permitted by the City Council. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, pedestrian ways, water main, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which such right-of-way is established.

Road Right-of-Way Width. The horizontal distance between the outside edges of a road right-of-way.

Roadside Sales Stand. A structure used only for the display and sale of products on a seasonal basis with no space for customers within the structure.

Roadway. A land corridor designated for vehicular usage, including the traveled portion of the corridor and curbs, catch basins, culverts, and stormwater pipes, or adjacent ditches and slopes, maintained for drainage purposes.

Roof Line. The top of the coping or, when the building has a pitched roof, the intersection of the outside wall with the roof.

Rubbish. Waste products which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, refuse, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables; offal, animal excreta, or the carcass of animal; tree or shrub trimmings, or grass clippings, brick plaster, wood, metal, roofing, materials, pipe or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, used containers, boxes and packing materials,

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junk vehicles, ashes, tires, junk, Christmas trees, rocks, sod, dirt, glass, jars, bottles, auto parts, cement brick, leaves, burn barrels, household appliances, furniture, toys, floor coverings, fabric, drain oil, solvents and fluids, or other such substances which may become a nuisance.

Satellite Dish. Shall mean a combination of (1) antenna or dish antenna whose purpose is to receive a communication or other signal 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; and (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 bottom of the base which supports the antenna.

School, Private. Any building or group of buildings, not operated by a public agency or unit of government, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which use does not secure the major part of its funding directly from any governmental source.

School, Public. Any building or group of buildings, operated by a public agency or unit of government, the use of which meets compulsory education laws of the State of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which secures all or the major part of its funding from governmental sources and is operated by a public agency or governmental unit.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Secondary Use. A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.

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

Service Business (Off-Site). A company that provides useful labor, maintenance, repair, and activities incidental to business production or distribution where the

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service is provided at the customer's location, including delivery services, catering services, plumbing and sewer service, and other uses of similar character.

Service Business (On-Site). An establishment that provides useful labor, maintenance, repair, and activity incidental to business production and distribution where the customer patronizes the location of the operation, such as banks, copy centers, laundromats, dry cleaners, funeral homes and mortuaries, animal clinics, appliance repair shops, tailor shops, and travel bureaus.

Setback. The minimum horizontal distance between the foundation wall of a structure and the property line, ordinary high water mark of a wetland or stormwater pond nearest thereto; within Shoreland Districts, it shall also mean the minimum horizontal distance between a structure and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.

Sewage. Sewage is any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agriculture, or commercial establishment, whether treated or untreated and includes the liquid wastes produced by bathing, laundry and culinary operations, and from toilets and flood drains.

Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minnesota Rules Chapter 7080.

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

Shopping Center. An integrated grouping of commercial stores planned, constructed, and managed as a total entity.

Shoreland. Land located within the following distances from public waters: 1000 feet from the ordinary high water level of a lake, pond, or flowage, and 300 feet from a river or stream or the landward extent of a floodplain on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

Site Plan. A map drawn to scale depicting the development of a tract of land, including but not limited to, the location of structures, streets, driveways,

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recreation areas, parking areas, utilities, landscaping, and walkways as related to a proposed development.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Slope, Steep. Land where agricultural activity or development is either not recommended or described as poorly suited due 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 regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Spot Zoning. A change in district boundaries, variances, and other amendments to the Zoning Ordinance and use and area maps that violate sound principles of zoning and are characterized by the following:

1. Individuals seek to have property rezoned for their private use.
2. Usually the amount of land involved is small and limited to one or two ownerships.
3. The proposed rezoning would give privileges not generally extended to property similarly located in the area.
4. Applications usually show little or no evidence of, or interest in, consideration of the general welfare of the public, the effect on surrounding property (including adequate buffers), whether all uses permitted in the classification sought are appropriate in the locations proposed, or conformity to the comprehensive planning principles (including alterations to the population density patterns and increase of load on utilities, schools, and traffic).

State. The State of Minnesota.

Story. That portion of a building including beneath 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 floor above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than 6 feet above grade as defined

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herein at any point, such basement, cellar, or unused under-floor space shall be considered a story.

Story, Half. A space under a sloping roof where the line intersecting the roof decking and wall face is not more than 3 feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

Street. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail, or however otherwise designated. Private, ingress and egress easements shall not be considered streets. The following are types of streets:

1. **Principal Arterials.** Principal arterials include interstate freeways and other major roadways that provide long distance connections. Connections with other roads are very limited and typically are in the form of ramps to prevent the stoppage of traffic. Interchanges are generally spaced between three and six miles in developing areas and between six and twelve miles in rural or agricultural areas. I-94 and TH 12 are two principal arterials under the jurisdiction of MN/DOT that serve Maple Lake, although they are not located within its municipal boundaries.
2. **Minor Arterials.** Minor arterial roadways provide mobility for shorter distances than principal arterials and interconnect arterial roadways with regional business concentrations. They often supplement principal arterials. Access from other roads is limited, with the spacing of intersections generally at one to two mile intervals. State Highway 55 is a minor arterial.
3. **Major Collectors.** Major collectors provide mobility between rural communities on an intra-county basis and provide land access in rural areas. These roads consist of county roads and county state aid highways, and may include some state highways. CSAH 8 and CSAH 37 are the two major collector roadways that serve Maple Lake.
4. **Minor Collectors.** Minor collectors connect rural areas to major collectors and minor arterials. These roads serve to funnel traffic from local streets onto major collector or arterial roads for longer trips. CSAH 7, a County road, is the only minor collector running through Maple Lake.
5. **Local Streets.** All other roadways in the City are under the jurisdiction of the City and are classified as local streets. Local streets are designed to

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provide access to individual properties rather than emphasize long distance or direct travel and speed limits are kept low to ensure safety. As such, the initial construction of local streets often occurs as part of subdivision development and is the responsibility of the developer.

6. **Cul-de-sac.** A minor street with only one outlet and having a safe and convenient turn around.
7. **Service Street (Frontage Road).** A frontage or backage road, marginal access street, or otherwise designated minor street which is parallel and adjacent to an arterial or collector street and which provides access to abutting properties and protection from through traffic.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, sheds, detached garages, cabin, manufactured homes, and travel trailers/vehicles.

Subdivision. The creation of one or more lots under the provisions of this Ordinance or any division of an existing lot. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. Subdivision shall not apply to the creation of cemetery lots or lots resulting from court orders.

Substandard Lot. Any lot existing prior to the date of enactment of any City Ordinance but does not meet the minimum lot area and length of frontage, structure setbacks, or other dimensional standards of this Ordinance.

Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over 24 inches at any point or a surface area exceeding 150 square feet. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, portable and non-portable spas, and fixed-in-place wading pools.

Temporary Outdoor Seasonal Sales. The temporary sale of agricultural produce, Christmas trees, flowers, food vendors such as ice cream, hot dogs, popcorn stands and the like, (but not including outdoor fireworks sales), sold and conducted by the operators of a legitimate, established business within the appropriate zoning district in the City of Maple Lake.

Tower. Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts.

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Townhouse. Single family attached units in structures housing 3 or more dwelling units contiguous to each other only by the share of 1 common wall with each dwelling unit having a separate entrance.

Transportation Terminal. Taxi, bus, train, and mass transit terminal and related ticketing, passenger waiting, parking, and storage areas.

Truck Terminal. A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.

Tree. Any of the following type of trees, as each is defined herein:

1. **Coniferous Tree.** A woody plant which, at maturity, is at least 12 feet or more in height, having foliage on the outermost portion of the branches year round.
2. **Deciduous Tree.** A woody plant which, at maturity, is at least 15 feet or more in height, having a defined crown, and which sheds leaves annually.
3. **Overstory Tree.** Large deciduous or evergreen trees such as oak, maple, pine, etc.

Usable Open Space. A required ground area or terrace area on a lot which is graded, developed, landscaped, equipped, intended, and maintained for either active or passive recreation, or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot or a development project and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, and parking areas shall not constitute useable open space.

Use. The purpose or activity for which the land or building thereof 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.

Variance. A modification or variation of the provisions of this chapter as applicable to a specific piece of property. Modification of the allowable use within a district shall not be considered a variance.

Warehousing. The storage, packing, and crating of materials or equipment within an enclosed building or structure.

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Water Body. A body of water (lake, pond, etc.) or a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

Watercourse. Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow which is the result of storm water or ground water discharge. This term does not include man-made piping systems commonly referred to as storm sewers.

Watershed. The area drained by the natural and artificial drainage system, bounded peripherally by a ridge 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 purposes of the Section, wetlands must: (a) have a predominance of hydric soils; (b) be inundated or saturated by surface water or groundwater 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 hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard. The open, unoccupied space on a lot surrounding its principal building which is unobstructed from its lowest level to the sky, except as otherwise permitted in this Ordinance.

Yard, Front. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the principal 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, Required. That distance specified in the yard requirements pertaining to setbacks.

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

Zoning Administrator. The person duly appointed by the City Council as the individual charged with the responsibility of administering and enforcing this Ordinance.

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Zoning Amendment. A change authorized by the City either in the allowed use within a district or in the boundaries of a district.

Zoning District. An area or areas within the City for which regulations and requirements governing use are uniform as defined by the Zoning Ordinance.

Zoning Map. The map or maps incorporated into this Ordinance as part thereof, designating the zoning districts.