

SECTION 2. RULES OF INTERPRETATION & DEFINITIONS

2.1 RULES OF INTERPRETATION:

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- 2.1.1** The word “shall” is mandatory, and not discretionary; the word “may” is permissive.
- 2.1.2** The word “person” includes a firm, association, organization, partnership, trust, company, corporation or individual.
- 2.1.3** Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular.
- 2.1.4** Words shall be given their common usage if not defined.

2.2 DEFINITIONS

(1) **Abandoned Vehicle:** "Abandoned Vehicle" means a motor vehicle that:

- a. has remained illegally:
 - i. for a period of more than 48 hours on any property owned or controlled by any unit government, or more than four hours on that property when it is properly posted; or
 - ii. on private property for more than 48 hours without the consent of the person in control of the property; and
 - iii. lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.

"Abandoned Vehicle" does not include:

- a. Vehicles which are registered as or which qualify for registration as classic car or pioneer car, as defined in Minnesota Statutes Section 168.10;
- b. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with Minnesota Statutes Section 161.242, or that are licensed and maintained in accordance with local laws and zoning regulations;
- c. Vehicles being held for storage by agreement or being held under policy authority or pursuant to a writ or court; or
- d. Unregistered vehicles which are being modified or have been modified for competitive use in stock car races.

(2) **Access Lot:** a parcel of land that provides access to public waters.

(3) **Accessory On-Farm Enterprise (AOFE):** an activity that is accessory to an agricultural farm and comprises one or both of the following:

- a. The storage, preparation, processing and sale of agricultural products, provided that more than 50 percent of the total annual sales are from agricultural products that are principally produced on the farm at which the business is located.

- b. Agritourism that features agricultural practices or agricultural products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring agricultural products, and classes or exhibits in the preparation, processing, or harvesting of agricultural products. “Farm stay” means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or agricultural products, or both. A farm stay includes the option for guests to participate in such activities. *(AS AMENDED 19 April 2022)*
- (4) **Accessory structure:** a structure that is physically detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. *(AS AMENDED 19 April 2022)*
- (5) **Accessory use:** a use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located. *(AS AMENDED 19 April 2022)*
- (6) **Administrator:** The Administrator is the Director of the Pope County Land & Resource Management department and unless otherwise indicated, the word “Administrator” as it appears in this ordinance means the Director of the Pope County Land & Resource Management department. *(AS AMENDED 6 April 2021)*
- (7) **Adult Oriented Use:** any commercial use of real estate to sell, support, create, promote, disseminate, or provide access to sexually explicit or obscene materials or exhibitions. For the purposes of this ordinance, sexually explicit or obscene materials or exhibitions shall include any and all activities which support, promote, or knowingly provide access to live performances involving nudity or partial nudity; graphic live performances simulating sexual activity; auditory messages, whether live or recorded, describing specific sex acts or simulating the auditory environment of sexual intercourse; graphic images of persons engaged in or simulating sex acts including but not limited to masturbation and acts of sexual penetration; and any other obscene material. “Graphic images” shall without limitation include any and all visual media whether reproduced by means of drawing, printing, photographic film, video tape, or electronic or digital imaging. As used in this definition, “sexually explicit materials” shall not include materials, images, access made available through hospitals, clinics, schools, or churches for educational purposes or for treatment of physical, emotional, or psychological needs of patients. It shall also not include materials or images displayed or access secured within a private residence without remuneration or to providers of telephone or cellular service, Internet access, or cable or digital television facilities which relay or transport an electronic or digital signal originating outside of the county.
- (8) **Agent:** a person authorized in writing by the property owner to represent and act for a property owner in contact with town or county employees, committees, commissions, and the council, regarding matters regulated by this title. *(AS AMENDED 19 April 2022)*
- (9) **Agricultural accessory structure:** a structure for sheltering or confining animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, noncommercial greenhouses, coops, corrals, and pens. Does not include pasture fencing. *(AS AMENDED 19 April 2022)*
- (10) **Agricultural farm:** a farm where the principal occupation of its residents is farming. A farm demonstrating average gross annual sales exceeding \$50,000 over the three preceding years shall be deemed an agricultural farm without regard to the amount or source of off farm income. A farm having an average gross annual sale of less than \$50,000 over the three preceding years shall not be considered an agricultural farm unless it is demonstrated that the income from the farm constitutes more than 50% of the combined household income of all persons residing on the farm.
- (11) **Agricultural land:** contiguous acres used during the preceding year for agricultural purposes. *(AS AMENDED 19 April 2022)*

-
- (12) **Agricultural purposes:** the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. *(AS AMENDED 19 April 2022)*
- (13) **Agricultural products:** as defined in Minnesota Statute 273.13, Subdivision 23 or subsequent legislation, includes the production for sale of:
- a. livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;
 - b. aquacultural products for sale and consumption, as defined under Minnesota Statutes Chapter 17 §17.47, if the aquaculture occurs on land zoned for agricultural use;
 - c. the commercial boarding of horses, which may include related horse training and riding instruction, if the boarding is done on property that is also used for raising pasture to graze horses or raising or cultivating other agricultural products as defined in (a);
 - d. property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;
 - e. game birds and waterfowl bred and raised (i) on a game farm licensed under Minnesota Statutes Chapter 97A §97A.105, provided that the annual licensing report to the Department of Natural Resources, which must be submitted annually by March 30 to the assessor, indicates that at least 500 birds were raised or used for breeding stock on the property during the preceding year and that the owner provides a copy of the owner's most recent schedule F; or (ii) for use on a shooting preserve licensed under Minnesota Statutes Chapter 97A §97A.115;
 - f. insects primarily bred to be used as food for animals;
 - g. trees, grown for sale as a crop, including short rotation woody crops, and not sold for timber, lumber, wood, or wood products; and
 - h. maple syrup taken from trees grown by a person licensed by the Minnesota Department of Agriculture under Minnesota Statutes Chapter 28A as a food processor. *(AS AMENDED 19 April 2022)*
- (14) **Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, silviculture, aquaculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. *(AS AMENDED 6 April 2021)*
- (15) **Agritourism:** Any activity carried out on a farm or ranch (ancillary to the primary farm or ranch use) that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: agriculture; horticulture; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity. *(AS AMENDED 6 April 2021)*

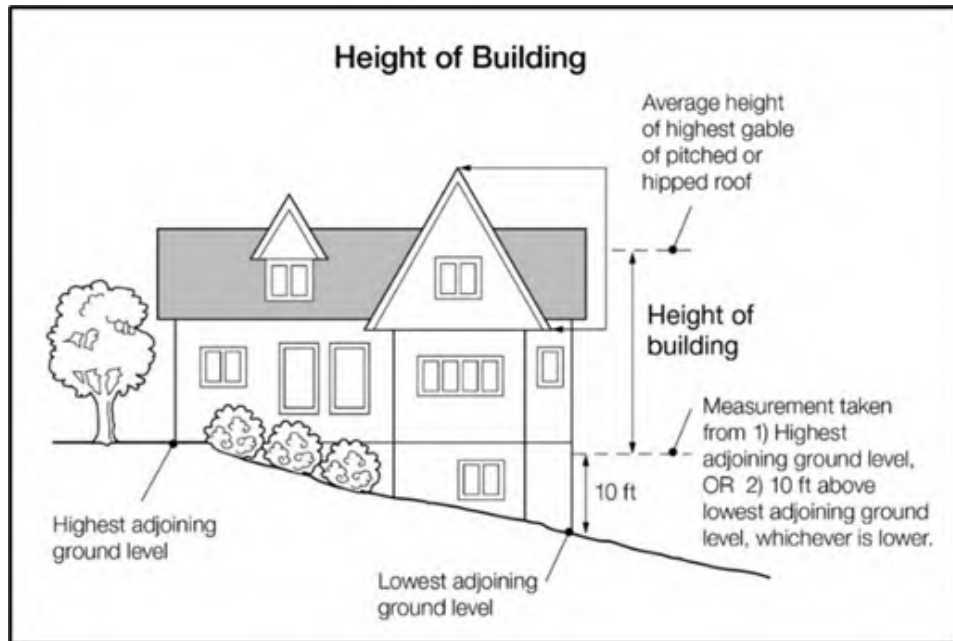
- (16) **Animal feedlot:** “Animal feedlot” means a lot, building or combination of lots and buildings owned or controlled by a single entity or by multiple entities with a common purpose and intended for the confined feeding, breeding, raising, or holding of birds, animals, or fish and specifically 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. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots. Pastures and supplemental feeding areas shall not be considered animal feedlots under these parts. An established animal feedlot is not “unused” for the purposes of this ordinance until the feedlot has not been used for the production of livestock for a period of five years.
- (17) **Animal Unit:** Animal Unit shall have the meaning given to that term or to any successor unit used as a uniform measure of animal population established in Minnesota Rules Chapter 7020 as amended from time to time.
- (18) **Antenna:** any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
- (19) **Assembly:** any gathering of 600 or more individuals for a specific period of time at any specified location at any time for the specified purpose. Examples include, but are not limited to, music, racing, political, promotional, or social entertainment or other similar types of activities.
- (20) **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, Part 6120.5000. *(AS AMENDED 6 April 2021)*
- (21) **Bluff:** a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
- a. Part or the entire feature is located in a shoreland area;
 - b. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
 - c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
 - d. The slope must drain toward the waterbody.
- (22) **Bluff impact zone:** a bluff and land located within 20 feet from the top of a bluff.
- (23) **Board:** refers to the Pope County Board of Commissioners.
- (24) **Building line:** a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- (25) **Campground:** *(AS AMENDED 3 July 2007)* a development that is used for the purpose of providing sites for non-permanent over night use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters. Campground sites must remain in common ownership and can not be individually sold.
- (26) **Cartway:** A land access road, generally two rods in width, established by specific action of a town board to provide access to otherwise land-locked property.
- (27) **Certificate of survey:** An official document prepared and signed by a professional land surveyor which depicts property dimensions and may include the location of improvements on the property and their distances to property lines, easements, rights-of-way, or other features on the property. *(AS AMENDED 6 April 2021)*

- (28) **Change of use:** the replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged. *(AS AMENDED 19 April 2022)*
- (29) **Clustering or clustered:** a development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visualization of permanently preserved open space.
- (30) **Commercial use:** the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services, excepting Vacation Home Rental use from this definition. *(AS AMENDED 7 July 2020)*
- (31) **Commercial Wireless Telecommunication Services:** licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services.
- (32) **Common Interest Community:** A common interest community shall have the meaning given in Minnesota Statutes, chapter 515B; or successor statutes. *(AS AMENDED 6 April 2021)*
- (33) **Common open space:** a portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development, and will not be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state. Common open space is not the space between buildings of a cluster in a conservation subdivision and planned unit development, and it does not include an area of 25 feet around each structure or any impervious surface.
- (34) **Conditional Use:** a use which is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after public hearing provided certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district. A Conditional Use permit may be denied if proposed use is deemed incompatible with other permitted uses of the district.
- (35) **Condominium:** a common interest community in which portions of the real estate are designed as units and the remainder of the real estate are designed as units and the remainder of the real estate is designed for common ownership solely by owners of the units. In addition, undivided in the common elements are vested in the unit's owners.
- (36) **Construction:** any activity that directly alters the environment, including land preparation or facilities fabrication, excluding surveying or mapping. *(AS AMENDED 19 April 2022)*
- (37) **Controlled Access:** a parcel of lakeshore that is used by more than one party of back lot owners or other persons for access to lake.
- (38) **Conservation subdivision:** a method of subdivision characterized by common open space and clustered_compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development, such as the use of some single-load roadways and narrower rights-of-way, looped roadways versus cul-de-sacs, maximum road setback for structures, and preservation of trees, shoreline, unique resources, and scenic vistas, and these developments use stormwater designs that emphasize on-site retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surface, rain gardens, and swales.

- (39) **Convenience store:** a retail store of three thousand five hundred square feet or less in gross floor area, which carries a range of merchandise oriented to convenience and/or travelers' shopping needs. *(AS AMENDED 19 April 2022)*
- (40) **Conventional subdivision:** a pattern of subdivision development that permits the division of land in the standard form where lots are spread evenly throughout a parcel with little regards for natural features or common open space as compared to a conservation subdivision where lots are clustered and common opens space is provided.
- (41) **Cooperative:** a common interest community in which the real estate is owned by an association each of whose members is entitled by virtue of the member's ownership interest in the association to a proprietary lease.
- (42) **Deck:** a horizontal, unenclosed structure 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 more than one foot above ground.
- (43) **Development:** any construction activity or alteration of the landscape, its terrain contour or vegetation, the erection or alteration of structures, including any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this ordinance or amendment to thereof. *(AS AMENDED 19 April 2022)*
- (44) **Disabled:** any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such an impairment or anyone who has a record of such impairment. People who are currently using illegal substances are not covered under the Fair Housing Act, unless they have a separate disability. *(AS AMENDED 19 April 2022)*
- (45) **Duplex, triplex, and quad:** "Duplex," "triplex" and "quad" means a dwelling structure on a single lot, having two, three and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- (46) **Dwelling Unit:** Any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons. *(AS AMENDED 6 April 2021)*
- (47) **Essential Services:** underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems - including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings or structures as defined herein.
- (48) **"Expansion," "enlargement," or "intensification":** any increase in a dimensional size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the existing use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant to Pope County. *(AS AMENDED 19 April 2022)*
- (49) **Extractive use:** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statute, Sections 93.44 to 93.51. *(AS AMENDED 19 June 2018)*
- (50) **Flood Fringe:** The portion of the one-percent annual chance floodplain located outside of the floodway. *(AS AMENDED 6 April 2021)*

-
- (51) **Floodplain:** The beds and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the base flood. *(AS AMENDED 6 April 2021)*
- (52) **Floodway:** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the base flood discharge. *(AS AMENDED 6 April 2021)*
- (53) **Gravel mining site:** any site where the ground cover and top soil has been or are proposed to be removed and where any of the following activities are occurring or will occur: removal, crushing, washing, refining, borrowing, or processing. An “active” gravel-mining site is a site where any combination of the above-identified activities resulted in the handling of more than 500 yards of material within the preceding calendar year.
- (54) **Guest cottage:** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot. *(AS AMENDED 6 April 2021)*
- (55) **Guest quarter:** An area of an accessory structure that contains sleeping space and is not the primary use of the structure. *(AS AMENDED 6 April 2021)*
- (56) **Habitable space:** space within a dwelling unit for living, sleeping, eating, or cooking. *(AS AMENDED 19 April 2022)*
- (57) **Hardship:** the property cannot be put to a reasonable use if used under the circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
- (58) **Hazardous Material:** any material in solid, semi-solid, liquid, or combined gaseous form which, because of its quantity, concentration, chemical, physical, or infectious characteristics may:
- a. cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or
 - b. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (59) **Hazardous waste:** The term "Hazardous Waste" shall have the meaning given under Minnesota Rules, Pt. 7045.0214 and 7045.0135.

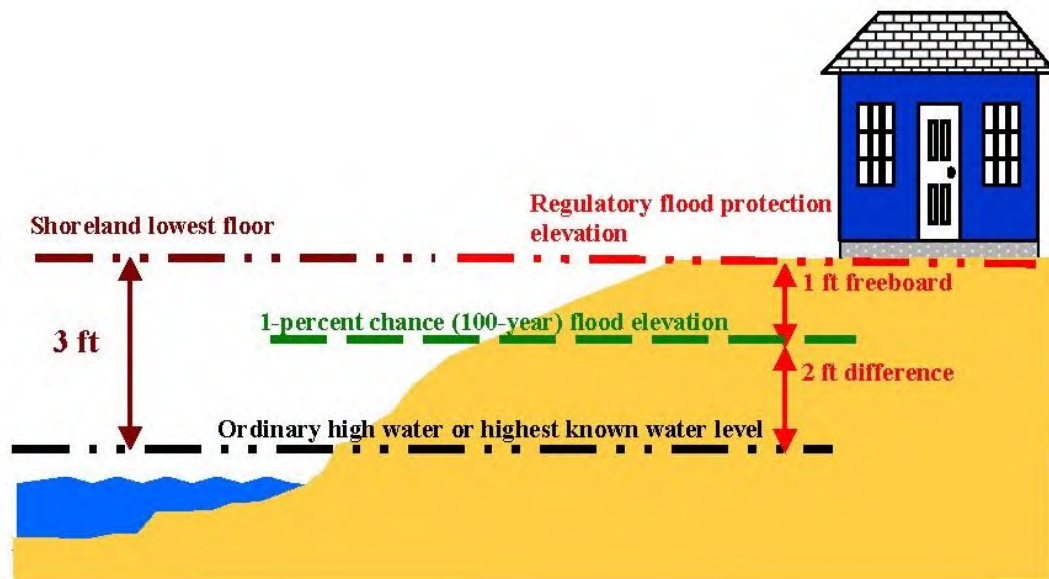
- (60) **Height of Structure:** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof. *(AS AMENDED 6 April 2021)*



- (61) **Home occupation:** includes any use customarily conducted entirely within a building and carried on by the inhabitants therein, which use is clearly incidental and secondary to the use of the property.
- (62) **Impervious surface:** a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, prepared road aggregate or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.
- (63) **Industrial:** Any activity engaged in the manufacturing, processing, and production, cleaning treatment, servicing, testing, repair or storage of goods or products.
- (64) **Intensive vegetation clearing:** the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (65) **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. *(AS AMENDED 6 April 2021)*
- (66) **Junk Vehicle:** "Junk Vehicle" means a vehicle that:
- is three years old or older;
 - is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission;
 - is apparently inoperable;
 - does not have a valid, current registration plate; and
 - has an approximate fair market value equal only to the approximate value of the scrap in it.

"Junk Vehicle" does not include:

- a. Vehicles which are registered as or which qualify for registration as classic car or pioneer car, as defined in Minnesota Statutes Section 168.10.
 - b. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with Minnesota Statutes Section 161.242, or that are licensed and maintained in accordance with local laws and zoning regulations.
 - c. Vehicles being held for storage by agreement or being held under police authority or pursuant to a writ or court order.
 - d. Unregistered vehicles which are being modified or have been modified for competitive use in stock car races. As applied to inoperable vehicles, this exclusion is limited to a total of 30 days of outside storage per inoperable vehicle.
- (67) **Kennel, animal boarding:** a commercial facility for the grooming, keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. *(AS AMENDED 19 April 2022)*
- (68) **Land use permit:** authority granted by Pope County to use a specified site for a particular purpose. *(AS AMENDED 19 April 2022)*
- (69) **Lot:** A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership. *(AS AMENDED 6 April 2021)*
- (70) **Lot width:** the shortest distance between lot lines measured at the midpoint of the building line.
- (71) **Lowest floor:** The lowest floor of the lowest enclosed area, including basement and crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement or crawl space area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3. *(AS AMENDED 6 April 2021)*



- (72) **Manufactured home:** any structure built for human dwelling which is designed such that it is movable by transporting on its own wheels, on a flatbed, or on other trailers, excluding recreational camping vehicles as defined herein. Any manufactured home must meet Minnesota safety standards to be allowed for residential use.
- (73) **Manufactured home park:** any site, lot, field, or tract of land upon which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such manufactured home park.
- (74) **Manufacturing/processing—heavy:** a facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following:
- a. **Chemical product manufacturing:** an establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
 - b. **Concrete, gypsum, and plaster product manufacturing:** an establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under building and landscape materials sales.
 - c. **Glass product manufacturing:** an establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under (manufacturing—light—handcraft industries and small-scale manufacturing).
 - d. **Paving and roofing materials manufacturing:** the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) (lumber and wood product manufacturing).
 - e. **Petroleum refining and related industries:** industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations (public utility facilities), or petroleum product distributors (petroleum product storage and distribution).

- f. **Plastics, other synthetics, and rubber product manufacturing:** the manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires (vehicle services—major repair/body work).
 - g. **Primary metal industries:** an establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
 - h. **Pulp and pulp product manufacturing:** an establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (manufacturing—light—paper product manufacturing).
 - i. **Textile and leather product manufacturing:** an establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (manufacturing—light—clothing and fabric product manufacturing), and industries that transform hides into leather by tanning or curing. Includes:
 - i. Coating, waterproofing, or otherwise treating fabric
 - ii. Dressed and dyed furs
 - iii. Dyeing and finishing fiber, yarn, fabric, and knit apparel
 - iv. Leather-tanned, curried, and finished
 - v. Manufacture of knit apparel and other finished products from yarn
 - vi. Manufacture of felt goods, lace goods, nonwoven fabrics and miscellaneous textiles
 - vii. Manufacturing of woven fabric, carpets, and rugs from yarn
 - viii. Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
 - ix. Scouring and combing plants
 - x. Upholstery manufacturing
 - xi. Yarn and thread mills (*AS AMENDED 19 April 2022*)
- (75) **Manufacturing/processing—intensive:** a facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under **manufacturing—light**, but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of intensive manufacturing uses include the following:
- a. **Lumber and wood product manufacturing:** manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:
 - i. Containers, pallets and skids
 - ii. Manufactured and modular homes
 - iii. Matches (wood)
 - iv. Milling operations

- v. Trusses and structural beams
- vi. Turning and shaping of wood products
- vii. Wholesaling of basic wood products
- viii. Wood product assembly

Does not include craft-type shops (handcraft industries and small-scale manufacturing); other wood and cabinet shops (furniture and fixture manufacturing, cabinet shops); or the entirely indoor retail sale of building materials, construction tools and equipment (building and landscape materials sales).

- b. **Machinery manufacturing:** an establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances (electronics, equipment, and appliance manufacturing).
 - c. **Metal products fabrication, machine and welding shops:** an establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:
 - i. Blacksmith and welding shops
 - ii. Plating, stripping, and coating shops
 - iii. Sheet metal shops
 - iv. Machine shops and boiler shops
 - d. **Motor vehicles and transportation equipment:** manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under lumber and wood products).
 - e. **Stone and cut stone product manufacturing:** an establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones (handcraft industries, small-scale manufacturing).
 - f. **Structural clay and pottery product manufacturing:** an establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses. *(AS AMENDED 19 April 2022)*
- (76) **Manufacturing/processing—light:** a facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following:
- a. **Clothing and fabric product manufacturing:** an establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see personal services). See also, manufacturing—heavy—textile and leather product manufacturing.
 - b. **Electronics, equipment, and appliance manufacturing:** an establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

- i. Appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- ii. Aviation instruments
- iii. Computers, computer components, peripherals
- iv. Electrical transmission and distribution equipment
- v. Electronic components and accessories, semiconductors, integrated circuits, related devices
- vi. Electrical welding apparatus
- vii. Lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- viii. Industrial controls
- ix. Instruments for measurement, testing, analysis and control, associated sensors and accessories
- x. Miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- xi. Motors and generators
- xii. Optical instruments and lenses
- xiii. Photographic equipment and supplies
- xiv. Radio and television receiving equipment
- xv. Surgical, medical and dental instruments, equipment, and supplies
- xvi. Storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- xvii. Surveying and drafting instruments
- xviii. Telephone and telegraph apparatus
- xix. Transformers, switch gear and switchboards
- xx. Watches and clocks

Does not include testing laboratories (soils, materials testing, etc.), or research and development facilities separate from manufacturing.

- c. **Food and beverage product manufacturing:** manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

- i. Bottling plants
- ii. Breweries
- iii. Candy, sugar and confectionery products manufacturing
- iv. Catering services separate from stores or restaurants
- v. Coffee roasting
- vi. Dairy products manufacturing
- vii. Fats and oil product manufacturing
- viii. Fruit and vegetable canning, preserving, related processing
- ix. Grain mill products and by-products
- x. Meat, poultry, and seafood canning, curing, by-product processing
- xi. Soft drink production
- xii. Miscellaneous food item preparation from raw products

Does not include: bakeries, which are separately defined; or beer brewing as part of a brew pub, bar or restaurant.

- d. **Handcraft industries, small-scale manufacturing:** establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.
- e. **Paper product manufacturing:** an establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see manufacturing—heavy—pulp and pulp product manufacturing). *(AS AMENDED 19 April 2022)*
- (77) **Motor vehicle:** every vehicle which is self-propelled.
- (78) **Motor vehicle salvage facility:** the storage of four or more motor vehicles, of the type requiring licensing by the State of Minnesota, by persons on private property within unincorporated areas of the county for the purpose of dismantling and disposition of parts and salvage material.
- (79) **Negative declaration:** a written statement by the RGU that a proposed project does not require the preparation of an EIS. *(AS AMENDED 19 April 2022)*
- (80) **New animal feedlot:** an animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five years or more.
- (81) **Non-conforming use:** any use of land established before the effective date of a county or local ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.
- (82) **Office:** this title distinguishes between the following types of offices. These do not include medical offices.
- a. **Accessory:** office facilities that are incidental and accessory to another business or sales activity that is the primary use.
- b. **Business/service:** establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, etc. This use does not include bank, financial services, which are separately defined.
- c. **Government:** administrative, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities.
- d. **Professional (office):** office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property. Examples of these uses include:
- i. Accounting, auditing and bookkeeping services
 - ii. Advertising agencies
 - iii. Attorneys
 - iv. Commercial art and design services
 - v. Construction contractors (office facilities only)
 - vi. Counseling services
 - vii. Court reporting services
 - viii. Detective agencies and similar services
 - ix. Design services including architecture, engineering, landscape architecture, urban planning
 - x. Educational, scientific and research organizations
 - xi. Financial management and investment counseling
 - xii. Literary and talent agencies

- xiii. Management and public relations services
 - xiv. Media post-production services
 - xv. News services
 - xvi. Photographers and photography studios
 - xvii. Psychologists
 - xviii. Secretarial, stenographic, word processing, and temporary clerical employee services
 - xix. Security and commodity brokers
 - xx. Writers and artists offices (*AS AMENDED 19 April 2022*)
- (83) **Open space:** a use of land that is basically non-consumptive in nature, that is not occupied by any square footage area required for PUD units or resort cabins, recreational camping area lots, mobile home park lots, that is not occupied by service roads, parking areas, out buildings, storage or any use that is accessory to a commercial, industrial or residential use. Areas which may be considered open space areas are: Open mowed areas, golf course areas, beach areas, garden areas; non-maintenance areas that are allowed to grow timber, brush or other natural vegetation, buffer areas and agricultural areas.
- (84) **Ordinary high water level:** this is 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 flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- (85) **Outdoor recreation facilities:** those facilities related to any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from natural surroundings.
- (86) **Pastures:** “Pastures” means areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices. Pastures do not include supplemental feeding areas.
- (87) **Percent slope:** $(\text{Vertical distance}/\text{Horizontal distance}) \times 100$.
- (88) **Person:** includes but is not limited to any natural person, partnership, joint venture, firm, corporation, cooperative, association, trust, company, society or group, limited liability company, limited liability partnership or any other legal entity or combination of entities and, as used in this ordinance, the singular includes the plural.
- (89) **Pesticide:** any substance, whether organic or inorganic, which is applied in agricultural, horticultural, silvicultural, or aquacultural activities in an effort to kill or retard the growth of injurious or competitive species of plants, insects, fungus, rodents and other nuisance animals. The definition includes, but is not limited to all regulated herbicides, fungicides, and insecticides.

- (90) **Planned Unit Development (PUD):** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. *(AS AMENDED 6 April 2021)*
- a. **Commercial planned unit developments:** Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments. *(AS AMENDED 6 April 2021)*
 - b. **Residential planned unit development:** A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. *(AS AMENDED 6 April 2021)*
- (91) **Plat (or Final Plat):** A delineation of one or more existing parcels of land drawn to scale showing all data as required by Minnesota Statutes, Chapter 505, or successor statutes, depicting the location and boundaries of lots, blocks, outlots, parks, and public ways and any other information required by statute or Pope County Subdivision Controls Ordinance. *(AS AMENDED 6 April 2021)*
- (92) **Platform:** a horizontal, unenclosed structure without attached railings, trellises, or other features, attached or functionally related to a principal use or site and at any point extending less than one foot above ground.
- (93) **Protected Waters Inventory (PWI) map:** the official Minnesota Department of Natural Resources map setting forth the inventoried waters and wetlands.
- (94) **Public water:** a body of water capable of substantial beneficial public use. For the purpose of this ordinance, this shall be construed to mean any lake, pond or flowage of ten (10) acres or more in size, or any river or stream with a total drainage area of two square miles or more which has the potential to support any type of recreational pursuit or water supply purpose.
- (95) **Recreation use area:** the area allowed within the shore impact zone for residential lots, conservation subdivisions, planned unit developments and new resorts.
- (96) **Recreational camping area:** any site, lot, field, or tract of land upon which two or more occupied recreational camping vehicle units, as defined herein, are harbored either free of charge or for revenue purposes. Recreational camping area sites are either **dependent** upon a central toilet/bath/shower facility; or **independent** of central toilet/bath/shower facility with individual hookups for electricity, water and sewer at each site.
- (97) **Recreational camping vehicle:** A form of temporary living quarters which is designed such that it can be moved on the public highways system without additional moving permits beyond normal motor vehicle license requirements. Said temporary living quarters are commonly known as travel trailers, pick up campers, motor homes, camper trailers, slide-in campers and park trailers. Recreational camping units, as herein defined, are permitted to be located in recreational camping areas and private property regulated by this ordinance. *(AS AMENDED 6 April 2021)*

- (98) **“Replacement,” “reconstruction,” or “restoration”**: construction that exactly matches pre-existing conditions. *(AS AMENDED 19 April 2022)*
- (99) **Residential accessory use or structure**: any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also **agricultural accessory structure**.
- a. Garages
 - b. Gazebos
 - c. Greenhouses (noncommercial)
 - d. Spas and hot tubs
 - e. Storage sheds
 - f. Studios
 - g. Swimming pools
 - h. Tennis and other on-site sport courts
 - i. Workshops *(AS AMENDED 19 April 2022)*
- (100) **Residential lot suitable area**: the minimum area on a residential lot or parcel of that is the sum of the buildable area and the sewage treatment system suitable area for unsewered areas or the buildable area in sewerred areas.
- (101) **Resort**: any buildings, structures, or enclosures kept, used maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day to one week or longer, and having for rent three or more resort cabins, rooms, or enclosures.
- (102) **Resort, licensed**: an existing resort, manufactured housing park, or a campground that is licensed by the State of Minnesota Department of Health and is owned by a single person, family or business entity. Timeshares, common interest communities, resortominiums, or other arrangements in which private individuals own or have ownership interest in individual cabins shall not be considered licensed resorts for the purpose of this definition.
- (103) **Responsible Governmental Unit (RGU)**: the governmental unit that is responsible for preparation and review of environmental documents. *(AS AMENDED 19 April 2022)*
- (104) **Sensitive resource management**: the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- (105) **Setback**: The required minimum horizontal distance between a structure, well, or sewage treatment system and another element such as ordinary high water mark, street or highway right-of-way, side property lot line, etc.
- (106) **Sewage**: any water carried domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.
- (107) **Sewage treatment system**: a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080.

- (108) **Sewer system:** pipelines or conduits, pumping stations, and forced mains, and all other constructions, devices, appliances, or appurtenances used for conducting sewage industrial waste or other wastes to a point of ultimate disposal.
- (109) **Sewer system suitable area:** the area meeting or exceeding the site requirements of Minnesota Pollution Control Agency individual sewage treatment system rules, Chapter 7080, for the purpose of soil treatment or drainfield areas and future additional sites.
- (110) **Shore impact zone:** land located between the ordinary high water level of a public water and a line parallel to it at setback of 50 percent of the structure setback.
- (111) **Shoreland:** land located within the following distances from public waters:
- 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and
 - 500 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.
- (112) **Significant historic site:** any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- (113) **Solar Energy System (SES):** A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy and transferring these forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation. *(AS AMENDED 7 July 2020)*
- (114) **Special Event:** A special event is a gathering of people, whether it be on public or private property, generally lasting from a few hours to a few days, designed to celebrate, honor, discuss, sell, teach about, encourage, observe, or influence human endeavors. Such an event may be described as a temporary use on private or public property that extends beyond the normal uses and standards allowed by this Ordinance in which impacts are anticipated on public parks, streets, rights-of-ways, surrounding neighborhoods, businesses, the community as a whole and emergency service providers such as police, fire and ambulance personnel. Special events include, but are not limited to, publicly attended auctions, concerts, expositions, vehicle shows, tournaments, music or other festivals. Special events do not include non-commercial events held on private property, such as weddings, receptions, graduation parties or social parties. *(AS AMENDED 19 April 2022)*
- (115) **Split:** division or subdivision of real estate involving conveyance or reservation of the fee interest in any part less than the whole of a lot or parcel of record as of the effective date hereof.
- (116) **Steep slope:** 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 survey's or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. 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.
- (117) **Storm water:** under Minnesota Rules 7077.0105, subp. 41(b) storm water means precipitation runoff, storm water runoff, snow melt runoff and any other surface runoff and drainage.

- (118) **Structure:** any building or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph or gas lines; including towers, poles and other supporting appurtenances, tennis courts and swimming pools. “Structure” includes structures made of earth and used for containment of manure, shelter, or other purposes which a building or improvement used as storage facility might serve.
- (119) **Subdivision:** The division or redivision of a lot, tract, or parcel of land regardless of how it is to be used, into two or more lots, parcels or tracts either by plat, by aliquot description or by metes and bounds description for the purpose of offer, sale or lease; or the division or redivision of land involving dedication of a new park, playground, road or other public right-of-way or facility; or the vacation, realignment or any other changes in existing roads, alleys, easements, recreation areas, water, or other public improvements or facilities. *(AS AMENDED 6 April 2021)*
- (120) **Standard use:** any use existing prior to the date of enactment of any county ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area, structure setbacks or other dimensional standards of this ordinance.
- (121) **Suitable Area:** the area remaining on a lot parcel of land after bluffs, areas with slopes greater than 25 percent all easements and rights-of -way, historic sites, wetlands, land below the ordinary high water level of public waters, and all setback requirements.
- (122) **Supplemental feeding area:** supplemental feeding area means an area used to grow crops or for pasture during the growing season which is fenced and used to confine animals during the winter. supplemental feeding areas shall not be considered animal feedlots solely because the confined animals are provided with supplemental feed. However, supplemental feeding areas which develop other characteristics of an animal feedlot, such as excessive manure accumulation, significant loss of vegetation, and potential to discharge into the waters of the state, shall be considered an animal feedlot. Any supplemental feeding area which is deemed a feedlot by the agency having jurisdiction under Minnesota Rules Chapter 7020 shall also be deemed a feedlot for the purpose of this ordinance.
- (123) **Surface water-oriented commercial use:** the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.
- (124) **Temporary structure:** a structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. *(AS AMENDED 19 April 2022)*
- (125) **Toe of the bluff:** the lower point of a 50-foot segment with an average slope exceeding 18 percent.
- (126) **Top of the bluff:** the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- (127) **Tower:** any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
- (128) **Tree:** a woody plant four (4) inches or more in diameter as measured from a point two (2) feet from the ground.
- (129) **Vacation Home Rentals (VHR’s):** A single family dwelling and/or related structure that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days. *(AS AMENDED 7 July 2020)*
- (130) **Variance:** A modification or relief of the provisions of this ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause practical difficulties as defined in MN Chapter 394.27 Subdivision 7. *(AS AMENDED 6 April 2021)*

- (131) **Vegetative Buffer:** a strip of well-rooted, natural vegetation consisting of a mixture of grasses, shrubs and trees.
- (132) **Vehicle:** every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.
- (133) **Vehicle services:** the repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:
- a. **Major repair/body work:** these establishments include towing; collision repair; other body work; and painting services; tire recapping.
 - b. **Minor maintenance/repair:** minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping). *(AS AMENDED 19 April 2022)*
- (134) **Vehicle storage:** a service facility for the long-term storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles, for clients. Does not include dismantling yards. *(AS AMENDED 19 April 2022)*
- (135) **Water-oriented accessory structure or facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, detached decks and fire rings. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures. *(AS AMENDED 19 June 2018)*
- (136) **Wetland:** any lands as defined in Minnesota Statutes section 103G.005, subd. 19. These lands are 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. Wetlands must have the following three attributes: (1) have a predominance of hydric soils; (2) 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 (3) under normal circumstances support a prevalence of such vegetation.