

CHAPTER 1 DEFINITIONS AND TERMS.

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

Subd. 1. *Accessory Building or Facility.*

"Accessory structure" or "facility" means any building, any impervious surface or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

Subd. 2. *Addition.*

A structure added laterally to an existing building. The addition of minor structural elements such as chimneys, bay windows, and roof overhangs of two (2) feet or less shall not be considered as an addition. The enclosure or partial enclosure of an existing screened porch, deck, roofed deck, patio or roofed patio shall be considered an addition.

Subd.3. *Advertising .*

A billboard, poster panel board, painted bulletin board, or other communicative device which is used to advertise products, goods, and/or services which are not exclusively related to the premise on which the sign is located.

Subd. 4. *Address Sign.*

A sign communicating street address only, whether written or in numerical form.

Subd. 5. *Agriculturally Oriented Business.*

A business including, but not limited to commercial storage and blending of liquid and dry fertilizers; grain and feed sales; general repair and installation services for agricultural equipment; custom meat processing; agricultural supplies and products sales or warehousing; livestock sales barns and accessory facilities; greenhouse and nursery sales; and riding stables.

Subd. 6. *Agriculture Uses.*

Those uses commonly associated with the growing of produce on farms. These include, but are not limited to, field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season; and livestock raising and feeding; but not including fur farms, commercial animal feed lots, and kennels.

Subd. 7. *Alley.*

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

Subd. 8. *Alteration.*

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

Subd. 9. *Animals, Domestic Farm.*

Cattle, hogs, horses, sheep, goats, chickens, and other animals commonly kept for food producing or other purposes.

Subd. 10. *Animals, Domestic Pets.*

Dogs, cats, birds, and similar animals commonly kept in a residence. Animals considered wild, exotic, or non-domestic, such as lions, bears, wolves, and similar animals, shall not be considered domestic pets.

Subd. 11. *Apartment.*

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

Subd. 12. Apartment Building.

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

Subd. 13. Applicant.

Any person who wishes to obtain a zoning permit, zoning, or Subdivision approval.

Subd. 14. Automobile Repair.

General repair, rebuilding or reconditioning engines, motor vehicles, boats, snowmobile, motor cycle or trailers; collision service, including but not limited to, body, frame, or fender straightening or repair; painting and vehicle steam cleaning.

Subd. 15. Automobile Wrecking or Junk Yard.

Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles, or merchandise.

Subd. 16. Basement.

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

Subd. 17. Bed and Breakfast Inn.

An owner-occupied single family dwelling unit in which not more than five (5) rooms are rented on a nightly basis for a period of seven (7) or less consecutive days by the same person. Meals may or may not be provided to residents or overnight guests.

Subd. 18. Billboard.

See advertising sign.

Subd. 19. 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 all of the 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.

Subd. 20. Bluffline.

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

Subd. 21. Bluff Impact Zone.

A bluff and land located within 20 feet from the top of a bluff.

Subd. 22. Boarding House.

A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein,

pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) people.

Subd. 23. Boathouse.

A structure used solely for the storage of boats or boating equipment, not for use as a dwelling.

Subd. 24. Buildable Area.

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

Subd. 25. Building.

Any structure used or intended for supporting or sheltering any use or occupancy.

Subd. 26. Building Height.

The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point of a round or other arch-type roof, to the mean distance of the highest gable on a pitched or hipped roof.

Subd. 27. 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.

Subd. 28. Building Setback.

The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.

Subd. 29. Business.

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

Subd. 30. Business Sign.

Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including, but not limited to, entertainment, offered or sold upon the premise where such sign is located.

Subd. 31. Campground.

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

Subd. 32. Carport.

A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on three (3) sides.

Subd. 33. Church.

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

Subd. 34. Clear-Cutting.

The removal of an entire stand of vegetation.

Subd. 35. Club or Lodge.

A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests.

Subd. 36. Commercial Agricultural.

The use of land for the growing and/or production of field crops, livestock, and livestock products.

Subd. 37. Commercial Planned Unit Developments.

Typically uses which provide transient, short-term lodging spaces, room, 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.

Subd. 38. Commercial Recreation.

Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theatre, boat rental, amusement rides, campgrounds and similar uses.

Subd. 39. Commercial use.

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

Subd. 40. Commercial Vehicle.

1. A motor vehicle used in commerce to transport passengers or property that:
 - a. Has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the U.S. Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds; or
 - b. That is designed to transport at least 16 passengers, including the driver; or,
2. Off-road motorized construction equipment, including but not limited to, backhoes, motor scrapers, motor graders, compactors, tractors, trenchers, bulldozers, railroad track maintenance equipment, cranes, front end loaders, tractor trailer, straight trucks even if converted offices.
3. Items similar in nature to those described above.

Subd. 41. Commissioner.

The Commissioner of the specified agency including, but not limited to the Commissioner of the Department of Natural Resources, the Commissioner of the Minnesota Department of Transportation, the Commissioner of the Federal Aviation Administration.

Subd. 42. Conditional Use.

A use, which because of special problems of control the use permits, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Avon Comprehensive Plan.

Subd. 43. Conditional Use Permit.

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

Subd. 44. Condominium.

A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Chapters 515.01 to 515.19.

Subd. 45. Contiguous Tract.

The following rules shall apply when determining contiguous property:

- A. Tracts that are geometrically touching at any one point are contiguous.
- B. Contiguous tracts which cross political subdivision boundaries remain contiguous.
- C. Tracts purchased under separate documents remain individual and unique.

- D. Except when determining lot coverage, property that would be contiguous under these rules, but for the fact that the property is separated by a public or private road, driveway, thruway etc., shall be deemed to be contiguous.

Subd. 46. Control Measure.

A practice or combination of practices to control erosion and attendant pollution.

Subd. 47. Convenience Food Establishment.

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

Subd. 48. Corner Lot.

A lot situated at the junction of and fronting on two or more platted roads or highways.

Subd. 49. Curb Level.

The level of the established curb in front of the building measured at the center of such front.

Subd. 50. Day Care-Home.

A family dwelling in which foster care, supervision, and training for children is provided during part of a day with no overnight accommodations and where children are delivered and removed daily.

Subd. 51. Day Care-Group Nursery.

A service provided to the public, in which children of school or preschool age are cared for during established business hours.

Subd. 52. 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 more than one foot above ground.

Subd. 53. Detention Facility.

A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

Subd. 54. District.

A Chapter or Chapters of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

Subd. 55. Dog Kennel.

Any place where three (3) dogs or more over six (6) months of age are boarded, bred and/or offered for sale, except a veterinary clinic. Dog kennels are permitted only in areas specifically zoned for such use.

Subd. 56. Dredging.

To enlarge or clean out a waterbody, watercourse, or wetland.

Subd. 57. Drive-in Facility.

Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers that are occupying a motor vehicle.

Subd. 58. Duplex, Triplex and Quad.

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.

Subd. 59. Dwelling-Multiple (Apartments).

A building designated with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but having hallways and main entrances and exits.

Subd. 60. Dwelling-Single-Family.

A detached dwelling unit designed for occupancy of one (1) family.

Subd. 61. Dwelling Site.

A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Subd. 62. Dwelling-Two-Family.

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

Subd. 63. Dwelling Unit.

A residential building, structure or shelter or any portion thereof that designed as short or long-term living quarters for one or more persons, including, but not limited to rental or timeshare accommodations and resort rooms and cabins; but not including motels, nursing homes or trailers.

Subd. 64. Easement.

A grant by a property owner for the use of a strip of land which includes but is not limited to the constructing and maintaining of utilities including but not limited to sanitary sewer, water mains, electric lines, telephone line, storm sewer or storm drainageway and gas lines.

Subd. 65. Eating and Drinking Establishments.

An establishment that serves food and/or beverages including liquor and includes establishments such as taverns, clubs, lodges, restaurants, bars, pubs, and nightclubs.

Subd. 66. Elderly (Senior Citizen) Housing.

A public agency owned or controlled multiple dwelling buildings with open occupancy, limited to persons fifty (55) years of age or older or in accordance with Federal and State Laws and Regulations.

Subd. 67. Efficiency Apartment.

A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.

Subd. 68. Essential Services.

Underground or overhead gas, electrical, steam, or water distribution systems; collection, communication, supply, or disposal systems including, but not limited to, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings.

Subd. 69. 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 Statutes, Chapters 93.44 to 93.51.

Subd. 70. Family.

An individual or two or more persons related by blood or marriage or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club lodge, sorority or fraternity house, as herein described.

Subd. 71. Farm.

A tract of land which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.

Subd. 72. Farm-Dwelling.

A single family dwelling located on a farm which is used or intended for use by the farm's owner, a relative of the owner, or a person employed thereon.

Subd. 73. Feedlot.

A lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls and domesticated animal zoos shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

Subd. 74. Fence.

A barrier forming a boundary to or enclosing some area.

Subd. 75. Floor Area.

The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.

Subd. 76. Forest Land Conversion.

The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stands.

Subd. 77. Forestry.

The management, including logging, of a forest, woodland, or plantation, and related research and educational activities, including, but not limited to, the construction, alteration, or maintenance of woodroads, skidroads, landing and fences.

Subd. 78. Garage.

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

Subd. 79. Governmental Sign.

A sign which is erected by a governmental unit for the purpose of identification and directing or guiding of traffic.

Subd. 80. Grading.

Changing the natural or existing topography of land.

Subd. 81. 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.

Subd. 82. Guest Room.

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

Subd. 83. Hardship.

The same as that term is defined in Minnesota Statutes, Chapter 462 (i.e. The property in question can not be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the request, if granted will not alter the essential character of the locality, economic considerations alone shall not constitute a hardship.)

Subd. 84. Height of Building.

See 'Building Height'

Subd. 85. Home Occupation.

Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

Subd. 86. Hotel.

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

Subd. 87. Hydric Soils.

Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subd. 88. Hydrophytic Vegetation.

Macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Subd. 89. Identification Signs.

Signs located in a residential district which identify a Subdivision, apartment complex or similar identifications and set forth the address of the premises where the sign is located; and signs in all other districts which identify the business or owner, and set forth the address of the premises where the sign is located.

Subd. 90. 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, limerock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Subd. 91. Industrial Use.

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

Subd. 92. Intensive Vegetation Clearing.

The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Subd. 93. Interim Use Permit.

A permit issued by the Council for a specific period of time in accordance with procedures specified in this Ordinance, as a flexibility device to enable the Council to assign dimensions including a time-limit to a proposed use and conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Subd. 94. Junk or Salvage Yard.

Land or building where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products from wrecking of automobiles and other vehicles.

Subd. 95. Kennel, Commercial.

A lot or premises on which four (4) or more dogs or domestic pets, more than four (4) months of age are owned, boarded, bred, trained and/or offered for sale.

Subd. 96. Kennel, Private.

A lot or premises on which three (3) or fewer dogs or domestic pets, more than four (4) months of age are owned by a member of the household. Private kennels are an accessory to the principal use of the property.

Subd. 97. Land Disturbing or Development Activities.

Any change of the land surface including, but not limited to, excavating, filling, grading and the construction of any structure.

Subd. 98. Lodging House.

A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.

Subd. 99. Lodging Room.

A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodation shall be counted as one (1) lodging room.

Subd. 100. Lot (of Record).

A parcel of land, whether Subdivided or otherwise legally described, as of the effective date of this Ordinance, which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street or proposed street approved by the Council.

Subd. 101. Lot.

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation.

Subd. 102. Lot Area.

The area of a horizontal plane within the lot lines.

Subd. 103. Lot, Corner.

A lot situated at the junction of and abutting on two (2) or more platted and intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Subd. 104. Lot Coverage.

Determined by dividing that area of the lot that is covered by impervious surface or roofed areas by the gross area of that lot.

Subd. 105. Lot, Depth.

The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Subd. 106. Lot, Frontage.

The front of a lot shall, for purposes of complying with this Ordinance, be that boundary abutting a public right-of-way or in the case of riparian lots, the boundary abutting a public water. Lots shall be addressed in accordance with adjoining lots.

Subd. 107. Lot, Line.

A property boundary line of any lot held in single or separated ownership, except that where any portion of a lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

Subd. 108. Lot, Through.

A lot fronting on two parallel streets.

Subd. 109. Lot, Width.

The shortest horizontal distance between the side lot lines measured at right angles at the building line.

Subd. 110, Low Maintenance or Maintenance-Free Material.

Includes stone, brick, plastic, treated wood, cedar or redwood, simulated wood, stucco, vinyl, ornamental non-corrosive aluminum, iron, plastic or chain-link which is finished with a rust resistant material.

Subd. 111. Manufactured Home/Mobile Home

A structure transportable in one or more Chapters used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, which includes the plumbing, heating, air conditioning, and electrical systems contained therein. No manufactured dwelling shall be moved into the City that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes.

A dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site ready for occupancy except for incidental assembly, location on foundation, connection to utilities and the like.

Subd. 112. Manufactured Home Park.

Any site, lot or tract of land under single ownership designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. This also includes any buildings or structures appurtenant to the park.

Subd. 113. Manufacturing - Heavy.

The manufacture, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located.

Subd. 114. Manufacturing - Light.

All uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which the use is located.

Subd. 115. Medical Clinic.

A place for the care, diagnosis and treatment of sick, ailing or injured people.

Subd. 116. Mining Operation.

The removal from the land of stone, sand and/or gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial or governmental purposes.

Subd. 117. Modular Home.

A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made permanently affixing the module to the site.

Subd. 118. Motel.

A building or group of buildings used primarily for the temporary residence by customers, motorists or travelers.

Subd. 119. Motor Fuel Station.

A place where gasoline (stored only in underground tanks), kerosene, motor oil, lubricants and grease for operation of vehicles are stored or sold to the public. This also includes accessories and services for automobiles.

Subd. 120. Motor Vehicle/Automobile

Every device which is self-propelled and is used to transport any person or property.

Subd. 120A. Name Plate.

A sign indicating the name and/or address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.

Subd. 121. Natural Drainage System.

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

Subd. 122. Natural Obstruction.

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

Subd. 123. Nonconformity.

Nonconformity shall have the meaning given in Minnesota Statutes, section 394.22, subdivision 8; or successor statutes.

Subd. 124. Non-Conforming Building.

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

Subd. 125. Non-Conforming Use of Land.

"Nonconformity" means the same as that term is defined or described in Minnesota Statutes, chapter 394.

Subd. 126. Non-Conforming Use of Structure.

"Nonconformity" means the same as that term is defined or described in Minnesota Statutes, chapter 394.

Subd. 127. Non-Riparian Lot.

A lot that does not abut public waters.

Subd. 128. Nursing Home (Rest Home).

A building having accommodations where care is provided for two (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.

Subd. 129. Off Street Loading Space.

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

Subd. 129 A. Online Auto Auctions.

Online Auto Auctions, commercial storage and sale of motor vehicles, excluding crushing, stacking, or parting out of motor vehicles.

Subd. 130. On-Premise Signs.

A sign located on the premise or property of an individual, business or organization when the sale or lease of the premise or the identification, products or services or the individual, business or organization are the subject of the sign.

Subd. 131. Open Space.

Land used for agricultural, natural habitat, pedestrian corridors and/or recreational purposes, that is undivided and permanently protected from future development.

Subd. 132. Ordinary High Water Level or "OHWL".

Ordinary high water level shall have the meaning given in Minnesota Statutes, Section 103G.005, subdivision 14, or successor statutes.

Subd. 133 Parking Ramp.

A structure built for the storage of licensed, operable motor vehicles for periods of less than 24 hours. Characteristics may include noise, exhaust fume odor, heavy traffic and large structure mass and footprint.

Subd. 133A Parking Space.

An area, enclosed in the main building, in an accessory building or unenclosed, suitably surfaced and permanently maintained area, sufficient in size to store one (1) automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

Subd. 134. Patio.

An open recreation area that is often paved and within one foot of pre-existing grade.

Subd. 135. 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 districts.

Subd. 136. Person.

An individual, firm, partnership, association, corporation or organization of any kind.

Subd. 137. Planned Unit Development.

A large lot or tract of land developed as a unit rather than as individual development wherein two (2) or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries. This is 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 subdivision of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Subd. 138. Planning Commission.

The Planning Commission of the City of Avon.

Subd. 139. Portable Sign.

A sign so designed as to be movable from one (1) location to another and which is not permanently attached to the ground, sales display device or structure.

Subd. 140. Principal Use.

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

Subd. 141. Private Road or Driveway.

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner.

Subd. 142. Public Use.

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

Subd. 143. Public Utility.

Any person, firm, corporation, municipal department or board fully authorized to furnish under municipal regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation, water sewer and storm sewer.

Subd. 144. Public Water.

Any waters as defined in Minnesota Statutes, §103G.005 Subd. 15., and successor statutes.

Subd. 145. Recreational 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 theatre, whether provision is made for the accommodation of an 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.

Subd. 146. Recreational Vehicle.

A vehicular portable structure used for amusement, vacation or recreational activities, including but not limited to, travel trailers, boat & utility trailers, motor homes, camping trailers, personal watercraft, snowmobiles, four-wheelers and boats.

Subd. 147. Regional Flood.

A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100 year reoccurrence interval.

Subd. 148. Residential Planned Unit Development.

A use where the nature of residency is non-transient and the majority or primary focus of the development is not service-oriented. For example, residential apartments, timeshare condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential planned unit developments.

Subd. 149. Restaurant.

An establishment serving food to be consumed primarily while seated at tables or booths within the building.

Subd. 150. Retention Facility.

A permanent natural or man made structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Subd. 151. Riparian.

Land contiguous to the bank of a stream, the shore of a lake or the edge of a wetland.

Subd. 152. Screening.

The use of plant materials, fences or earthen berms to partially conceal the separate land use from the surrounding land use.

Subd. 153. Selective Cutting.

The removal of single scattered trees.

Subd. 154. Sediment.

Solid matter carried by water, sewage or other liquids.

Subd. 155. Semi-Public Use.

The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Subd. 156. 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.

Subd. 157. Setback.

The minimum horizontal distance between any part of a structure, sewage treatment system, or other facility and the ordinary high water mark or between a structure or other facility and a road or highway right of way line, public right-of-way, top of a bluff, ordinary high water level, property line or other facility.

Subd. 158. Sewage Treatment System.

Any system for the collection, treatment and dispersions of sewage, including but not limited to, septic tanks, soil absorption systems, drain fields or other individual or cluster type sewage treatment system.

Subd. 159. Sewer System.

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

Subd. 160. Shore Impact Zone.

The land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the required structure setback for the applicable lake or river classification, except for lakes classified as General Development, which shall have a shore impact zone of fifty (50) feet.

Subd. 161. Shoreland.

Shall have the meaning given in Minnesota rules, part 6120.2500, subpart 15; or successor rules.

Subd. 162. Sign.

The use of any words, numerals, figures, devices or trademarks by which anything is made known, such as are used to show an individual, firm, profession or business and are visible to the general public.

Subd. 163. 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 provision of Minnesota Statutes. 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.

Subd. 164. Slope.

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

Subd. 165. 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 surveys 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 18 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Subd. 166. Solid Waste.

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common

pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 as amended.

Subd. 167. Story.

That portion of a building included above and between the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Subd. 168. Story, Half.

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

Subd. 169. Street.

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

Subd. 170. Street Frontage.

The proximity of a parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) street frontages.

Subd. 171. Structure.

Anything which is built, constructed or erected. An edifice or building of any kind or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character, including but not limited to, any building or appurtenance and including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, poles, and other supporting facilities.

Subd. 172. Structure - Permanent.

Any structure for the shelter, support, or enclosure of persons, animals, chattels, or personal property of any kind, which is permanently affixed to the land. A permanent building shall consist of a floor of solid construction, a roof constructed of solid material supported from the floor by structural supports and enclosed by walls. The structure shall be permanently fixed to the ground resting on a poured concrete or block foundation or concrete footings. Storage structures and accessory use structures including but not limited to garages may have earthen floors provided the structure is permanently attached to below-grade footings or a poured or constructed foundation.

Subd. 173. Structure - Temporary.

A structure, (usually consisting of floor, sidewalls, and roof) which is not permanently attached to the ground, concrete block foundation, poured concrete footings, or a poured concrete foundation. If the structure is attached to the ground, concrete footings, or a block or poured concrete foundation, in a manner or by means which allow easy detachment from the ground and easy removal by placement of the structure on timbers, wheels, flatbed, or other means, the structure shall be considered a temporary building under this Ordinance. All structures which are on temporary timbers or wheels shall constitute temporary buildings. All structures that are portable in nature and capable of being relocated which are not permanently fixed to a foundation or permanent foundational footings installed on the ground shall constitute a temporary building.

Subd. 174. Structural Alteration.

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

Subd. 175. Subdivision.

Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Subd. 176. Substandard Use.

Any use existing prior to the date of this Ordinance which is permitted within the applicable zoning district, but does not meet the minimum lot area, frontage, setbacks or other dimensional standards of this Ordinance.

Subd. 177. 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.

Subd. 178. Temporary Sign.

Any sign which is erected or displayed for a specified period of time.

Subd. 179. Toe of the Bluff.

The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Subd. 181. Top of the Bluff.

The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Subd. 182. Townhouses.

Structures housing two (2) or more dwelling units of not more than two (2) stories each and contiguous to each other only by sharing one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units, and each dwelling unit shall have separate and individual front and rear entrances.

Subd. 183. Use.

The purpose or activity for which the land or building thereon is designated, arranged or intended or for which it is occupied, utilized or maintained and shall include the performance of such activity as defined by the performance standards of this Ordinance.

Subd. 184. Use, Accessory.

A use incidental or accessory to the principal use of a lot or a building located on the same lot with a building.

Subd. 185. Vacation

The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

Subd. 186. Variance.

The waiving action of the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

Subd. 187. Vegetation.

The sum total of plant life in some area or a plant community with distinguishable characteristics.

Subd. 188. Waterbody.

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

Subd. 189. Watercourse.

A channel or depression through which water flows, such as rivers, streams or creeks and may flow year around or intermittently.

Subd. 190. 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 a surface water feature, reasonably needs to be

located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

Subd. 191. Watershed.

The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

Subd. 192. Wetlands.

Wetland shall have the meaning given in Minnesota Rules, part 8420.0110, subpart 52; or successor rules.

Subd. 193. Yard.

An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Subd. 194. Yard - Front.

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

Subd. 195. 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.

Subd. 196. Yard - Side.

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

Subd. 197. Yard Waste.

Yard Waste means garden waste, leaves, lawn cuttings, weeds, and tree or shrub prunings generated at residential or commercial properties.

Subd. 198. Zoning Administrator.

A person appointed by the City Council to enforce the Zoning Ordinance.

Subd. 199. Zoning Map.

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