

## SECTION 4: RULES AND DEFINITIONS

### Subdivision 1. Rules.

#### 1. Word Usage:

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural, the singular; the word "building" shall include "structure"; the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not discretionary.

#### 2. Distances:

All distances unless otherwise specified shall be measured horizontally.

#### 3. Conditional uses:

Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

### Subdivision 2. Definitions.

Additional definitions can be found in Shoreland Section, Telecommunication Towers Section, Wind Energy Facilities Section, and the Nuisance Section. For the purpose of this Ordinance, certain terms and words are defined as follows:

**Abandoned Water Well:** A well whose use has been permanently discontinued, or which is in such disrepair that its' continued use for the purpose of obtaining ground water is impractical or may be a health hazard.

**Absorption Area:** The area below a mound that is designed to absorb effluent.

**Accessory Building:** A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

**Accessory Structure or Facility:** Any building 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.

**Aerobic Tank:** Any sewage tank which utilizes the principle of oxidation in the decomposition of sewage by the introduction of air into the sewage.

**Agency:** The Minnesota Pollution Control Agency, or the Minnesota Department of Natural Resources.

**Agriculture:** The science or art of cultivating the soil, producing crops, and raising livestock, and in varying degrees the preparation of these products for man's use and their disposal (as by marketing).

**Agricultural Land:** Land which is used to raise agricultural crops, is capable of use for that

purpose or is plowed, fallow or contains harvested crop residue or is pasture land.

**Agricultural Structures:** Includes, but is not limited to: barns, machine sheds, silos, corn cribs, grain bins, bunker and pit silos and stationary grain dryers.

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

**Alternative System:** An individual sewage treatment system employing such methods and devices as presented in part 7080.0180.

**Antenna:** Any Structure or devise used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, satellite dishes, and omni-directional antennas such as whip antennas.

**Antenna Support Structure:** Any building orstructure other than a tower which can be used for location of the telecommunication facilities.

**Applicant:** Any person that applies for a permit of any kind.

**Application:** The process by which the owner of a plot of land within the county submits a request to develop, construct, build, modify to the Office of the Zoning Administrator. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the County concerning a request.

**Animal Unit:** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. Equivalent numbers as defined by Minn. R chapter 7020.

**As-built:** Drawings and documentation specifying the final in-place location, size and type of all system components. These records identify the results of materials testing and describe conditions during construction. As-builts contain a certified statement.

**Automobile Graveyard:** Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

**Baffle:** A device installed in a septic tank for proper operation of the tank, and to provide maximum retention of solids; includes vented sanitary tees and submerged pipes in addition to those devices that are normally called baffles.

**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.

**Bedrock:** That layer of parent material which is consolidated and unweathered.

**Bedroom:** Any room within a dwelling that might reasonably be used as a sleeping room, any room used principally for sleeping purposes, an all-purpose room, a study, or a den. A room planned and intended for sleeping.

**Block:** An area of land within a Subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the Subdivision or a combination of the above with a river or lake.

**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 slopes 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.
- D. The slope must drain toward the waterbody.

**Bluff Impact Zone:** A bluff and land located within twenty (20) feet from the top of a bluff.

**Board:** The Cottonwood County Board of County Commissioners.

**Boathouse:** A structure designed and used solely for the storage of boats or boating equipment.

**Building:** Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind, whether it is portable or permanently affixed to the land, and when separated by party walls without openings each portion of such buildings so separated shall be deemed a separate building.

**Building Drain:** That part of the lowest piping of the drainage system which receives the sewage discharge inside the walls of the building and conveys it to the building sewer beginning at least one foot outside the building footings.

**Building Height:** The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**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.

**Building Setback Line:** A line within a lot or other parcel of land parallel to a public road, street or highway right-of-way line defining a portion of the lot between said setback line and said right-of-way line on which buildings or structures may not be placed.

**Building Sewer:** That part of the drainage system which extends from the end of the building drain and conveys its discharge to an individual sewage treatment system.

**Capacity:** The liquid volume of a sewage tank using inside dimensions below the outlet.

**Carcass:** The body or a part of a domestic animal or fowl that has died or has been killed otherwise than by being slaughtered for human or animal consumption.

**Cart-way:** A roadway established to connect an inaccessible parcel to a public road.

**Certificate of Compliance (Feedlot):** A letter from the Commissioner or the County Feedlot Officer to the owner of an animal feedlot stating that the feedlot meets agency requirements, and the livestock operation does not create or maintain a potential pollution hazard, or the potential pollution hazard has been corrected to meet MPCA requirements.

**Certificate of Compliance, (SSTS):** A document from a licensed sewage treatment inspector fully licensed by the State of Minnesota or a qualified employee provided to the owner of property on which a dwelling is located which is required to have an SSTS and to the LUG, indicating that

said SSTS is not a failing system nor an imminent threat to public health or safety and, for new construction and replacement, is constructed in compliance with Minnesota Rules, Chapter 7080, as amended.

**Cesspool:** An underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil.

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

**Commercial WECS:** A WECS of equal to or greater than 100kW in total name-plate generating capacity.

**Commercial Wireless Telecommunication Service:** Licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the public.

**Commissioner:** "Commissioner" means the commissioner of the Department of Natural Resources, or the Minnesota Pollution Control Agency.

**Community Water and Sewer Systems:** Utility systems serving a group of building lots or an area of the County, with the design and construction of such utility systems as approved by the County Engineering Department and the State Board of Health.

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

**Conditional Use:** A land use or development as defined by ordinance that would not appropriate generally but may be allowed with the appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

**Corner Lot:** A lot situated at the junction of and fronting on two or more streets.

**County:** The County of Cottonwood.

**County Board:** The Cottonwood County Board of County Commissioners.

**County Planning Commission:** The Cottonwood County Planning and Zoning Commission.

**Cul-de-sac:** A local street with only one outlet, having an appropriate turn-around at the closed end for the convenient and safe reversal of traffic movement.

**Dead Animal Holding structure:** A structure to hold dead animals until picked up by the Rendering Service.

**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 three feet above ground.

**Discarded Animal Parts:** All or a part of animals, fish, or poultry that have been killed for human or animal consumption and not used for that purpose.

**DNR:** The Minnesota Department of Natural Resources.

**Depth of Lot:** The mean horizontal distance between the front and rear lot lines. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

**Depth of Rear Yard:** The mean horizontal distance between the rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.

**Design Standards:** The specifications required of the land owner or subdivider for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-ways, blocks, easements and lots.

**Distribution Pipes:** Perforated pipes or agricultural drain tiles that are used to distribute sewage tank effluent in a soil treatment system.

**Dosing Chamber (or pump pit or wet well):** A tank or separate compartment following the sewage tank which serves as a reservoir for the dosing device.

**Dosing Device:** A pump, siphon, or other device that discharges sewage tank effluent from the dosing chamber to the soil treatment system.

**Drainfield Rock:** Crushed igneous rock, or similar insoluble, durable, and decay-resistant material with no more than five percent by weight passing a number 4 sieve and no more than one percent by weight passing a number 200 sieve. The size shall range from three-fourths inch to 1/2 inches.

**Dwelling:** Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently.

**Dwelling, Single-family:** A building designed for or occupied exclusively by a single family.

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

**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, including rental or time-share accommodations such as motel, hotel, and resort rooms and cabins.

**Easement:** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

**Engineer:** A structural engineer licensed by the State of Minnesota

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

**Extractive Use:** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

**Fall Zone:** The area defined as the furthest distance from the tower base, in which a meteorological tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

**Family:** A number of individuals living together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.

**Farming:** The cultivation of the soil and the raising of livestock and all activities incidental thereto; agriculture.

**Feeder Line:** Power lines that transport electrical power from one or more points of origination to the point of interconnection with a high voltage transmission line.

**Feedlot:** Lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Other definitions relating to feedlots are found in Minnesota Pollution Control Agency's Rules For The Control of Pollution From Animal Feedlots. These rules are adopted by reference in this Ordinance.

**\*\* Existing Feedlot:** Any feedlot in existence at the time of adoption of Ordinance #23, May 1, 1995, whether permitted or unpermitted, including those that upon adoption of Ordinance #23 become a nonconforming use. Any non-conforming feedlot which after the date of adoption of Ordinance #23 discontinues the normal operation or stops the operation for a period of one year, shall thereafter conform to the regulations in the Agricultural District.

**\*\* New Feedlot:** For the purposes of this ordinance, a new feedlot shall be considered to be a site where new essential utility services would be required to be installed on the property, such as a new well or water source, or new electric service to the property.

**Fence:** A structure or partition erected for the purpose of enclosing a piece of land, or for the purpose of dividing a piece of land into distinct portions, especially an enclosing structure of wood or metal. For purposes of this ordinance, the word "fence" specifically does not include a woven wire fence or a barb wire fence but does include a chain link fence.

**\*\* Solid Fence:** For the purpose of this ordinance, a solid fence, as a requirement of the feedlot requirements of the agriculture district, shall be constructed of materials such as wood, metal siding, or other solid materials which would obstruct the view of a passerby or a neighbor, and would significantly block the wind to reduce the transport of odor or other potential nuisances.

**Field Windbreak:** A strip or belt of trees or shrubs established in or adjacent to a field.

**Filter Material:** Clean rock, crushed igneous rock or similar insoluble, durable and decay-resistant material free from dust, sand, silt, or clay. The size shall range from three-fourths inch to two and one-half inches.

**Final Plat:** A drawing or map of a subdivision, meeting all the requirements of the County and in such form as required by the County for purposes of recording.

**Flood Fringe:** That portion of the floodplain outside of the floodway.

**Floodplain:** The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

**Flood Protection Elevation:** An elevation no lower than the elevation of the regional flood plus any increase in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

**Floodway:** The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

**Floor Area:** The sum of the gross horizontal area of the several floors of the building measured from the exterior walls, including basement and attached accessory buildings.

**Fur Farm:** An area used for keeping and/or raising fur bearing animals.

**Governing Body:** A Town Board of Supervisors, the Council of the Municipality, or Board of County Commissioners.

**Greywater:** Liquid waste from a dwelling or other establishment produced by bathing, laundry, culinary operations and from floor drains, and excluding toilet waste.

**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.

**Hardship:** The same as that term as defined in Minnesota Statutes, Chapter 394.

**Hazardous Materials:** Any substance which, when discarded, meets the definition of hazardous waste.

**Hazardous Waste:** Any refuse or discarded materials or combination of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled in a routine waste management technique because they pose substantial present or potential hazard to human health or other living organisms because of their chemical biological or physical properties.

**Height of Building:** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest 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.

**High Voltage Transmission Line:** A conductor or electric energy and associated facility designed for and capable of operation at a normal voltage of 100 kilovolts or more and is greater than 1,500 ft. in length.

**Highway:** Any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with a Cottonwood County numerical route designation.

**Holding Tank:** A watertight tank for storage of sewage until it can be transported to a point of approved treatment and disposal.

**Home Occupation:** A use which is non-residential in nature conducted entirely within the dwelling or accessory buildings and carried on only by the owner of the property and his immediate family or the lessee and his immediate family in the circumstance where the lessee leases the entire premises.

**Hunting Preserve:** A defined area used primarily to keep or protect game for private hunting purposes.

**Impermeable:** With regard to bedrock, a bedrock having no cracks or crevices and having a vertical permeability less than one inch in 24 hours shall be considered impermeable. With regard to soils, a soil horizon or layer having a vertical permeability less than one inch in 24 hours shall be considered impermeable.

**Incorporated Area:** A defined area within a Municipal boundary.

**Incorporation:** The mixing of manure or septage with the topsoil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, injection or other mechanical means.

**Individual Sewage Treatment System (ISTS):** A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advance treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks and privies.

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

**Initial Loading Capacity:** The weight and effect surface area of the applicant's telecommunication facility that will be installed on the applicant's telecommunication tower.

**Intensive Vegetation Clearing:** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

**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.

**Invert:** The lowest point of a channel inside a pipe.

**Junk/Scrap Yard:** An open area where used or second hand materials are disassembled or handled, stored, cleaned, packed, purchased, sold, exchanged, including but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products. This includes an auto wrecking yard but does not include uses established entirely within an enclosed building. Sanitary landfills and licensed recycling facilities are not included.

**Kennel:** An enclosure or building used for raising, keeping or treating dogs or cats.

**Lot:** A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

**Lot Area:** The lot area is the land area within the lot lines.

**Lot, Interior:** A lot other than a corner lot.

**Lot Lines:** The lines bounding a lot as defined herein. When a lot line abuts a street, avenue, park or other public property, such line shall be known as a street line.

**Lot Width:** The shortest distance between lot lines measured at the midpoint of the building line.



**Manure:** Poultry, livestock, or other animal excreta, or a mixture of excreta with feed, bedding, or other materials.

**Maximum Monthly Average Daily Flow:** The 30-day average daily flow for the highest consecutive 30-day period during the year.

**Metes and Bounds:** A method of property description by means of their direction and distance from an easily identifiable point.

**Metes and Bound Description:** A description of a tract of land with references to courses and distances establishing a point of beginning and returning to the point of beginning.

**Meteorological Tower:** For the purpose of this Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. They do not include towers and equipment used by airports, Minnesota Department of Transportation, or other similar applications to monitor weather conditions. The applicant shall specify if the tower is permanent or temporary.

**Micro-WECS:** WECS of 1kW or less of name-plate generating capacity and utilizing support towers of 40 ft. or less.

**Mottling:** A zone of chemical oxidation and reduction activity appearing as splotch patches of red, brown, orange and gray in the soil.

**Mound System:** A system where the soil treatment area is built above the ground to overcome limits imposed by proximity to water table or bedrock, or by rapidly or slowly permeable soils.

**MPCA:** Minnesota Pollution Control Agency

**Municipality:** A county, township, city, town, the Metropolitan Waste Control Commission established in Chapter 473, the Metropolitan Council when acting under the provisions of that chapter, or any other governmental subdivision of the state responsible by law for the prevention, control and abatement of water pollution in any area of the state.

**Non-Commercial WECS:** A WECS of less than 100kW in total name-plate generating capacity.

**Non-Conforming Use:** Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been allowed to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

**Open Top Concrete Pit:** A pit with no barrier between the manure and the atmosphere.

**Ordinary High Water Level:** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

**Original Soil:** Naturally occurring inorganic soil that has not been moved, smeared, compacted, nor manipulated with construction equipment.

**Other Establishment:** Any public or private structure other than a dwelling which generates

sewage.

**Owner:** All persons having possession of, control over, or title to an individual property or parcel.

**Parks and Playgrounds:** Public land and open spaces in Cottonwood County dedicated or reserved for recreation purposes.

**Pedestrian Way:** A public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

**Percentage of Grade:** The distance vertically from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.

**Percolation Rate:** The time rate of drop of a water surface in a test hole as specified in Minnesota Chapter 7080.

**Permitting Authority:** Any state agency or municipality which administers the provisions of these standards.

**Person:** Any individual, firm, partnership, corporation, company, association, joint stock association of body politic; includes any trustee, receiver, assignee or other similar representative thereof.

**Plastic Limit:** A soil moisture content below which the soil may be manipulated for purposes of installing a soil treatment system, and above which manipulation will cause compaction and puddling.

**Plot:** A lot.

**Power Purchase Agreement:** A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.

**Preliminary Plat:** A tentative drawing or map of a proposed subdivision meeting the requirements of this ordinance.

**Premises:** A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed under this Ordinance.

**Property Line:** The boundary line of the area over which the entity applying for a WECS Permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and the landowner.

**Protective Covenants:** Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

**Public Conservation Land:** Land owned in fee title by State or Federal Agencies and managed specifically for [grassland] conservation purposes, included but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges, and Waterfowl Production Areas. For the purpose of this section, Public Conservation Lands do

not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

**Public Utility:** Persons, Corporations, or Governments supplying gas, electric, transportation, water, sewer, and/or line telephone service to the general public. For the purpose of this Ordinance, Commercial wireless Tele-communication service facilities shall not be considered public utility uses.

**Public Waters:** Any water as defined in Minnesota statutes, Section 103G.005, Subdivisions 14 and 15. However, no lake, pond, or flowage of less than 10 acres in size in municipalities and 25 acres in size in unincorporated areas need be regulated for the purposes of parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from parts 6120.2500 to 6120.3900.

**Rotor Diameter:** The diameter of the circle described by moving rotor blades.

**Qualified Employee:** An employee of state or local government who conducts site evaluations or designs; installs, maintains, pumps, or inspects individual sewage treatment systems as part of employment duties and is registered on the ISTS professional register with specialty areas endorsements applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area endorsements applicable to the work to be completed, has fulfilled the contractual requirement under Chapter 7080, and has been issued performance restrictions.

**Refuse:** The worthless or useless part, something leaving trash or garbage. See SECTION 22, Nuisance Regulations, Page 122.

**Regional Flood:** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

**Regulatory Flood Protection Elevation:** The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

**Required Absorption Width:** That width, measured in the direction of the original land slope and perpendicular to the original contours, which is required for the sewage tank effluent to infiltrate into the original soil according to the allowable loading rates of Table V in part 7080.0170, subdivision 2, item G.

**Residence:** The place in which a person, or people reside, live, or dwell. A dwelling place.

**Restaurants:** Establishments that prepare and serve meals, and at which multiple use dishes and utensils are washed.

**Right-of-way:** The area over which a right-of-way exists; (1) the strip of land over which is built a public road, (2) the land occupied by a railroad especially for its main line, (3) the land used by a public utility (as a transmission line).

**Road Width:** The shortest distance between line of lots delineating the road right-of-way.

**Salvage:** Old or scrap copper, brass, rope, rags, batteries, paper, synthetic or organic, trash,

rubber debris, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, transportation materials, iron, steel and other old or scrap ferrous or non-ferrous material.

**Salvage Yard:** An establishment, place of business, or place of storage or deposit, which is maintained, operated or used for storing, keeping, buying or selling salvage, scrap or junk materials or for the maintenance or operation of an automobile graveyard, whether maintained in connection with another business or not, where the waste, body, or discarded material is equal in bulk to five or more motor vehicles and which are to be resold for used parts of old iron, metal, glass, or other discarded materials.

**Sand:** A soil texture composed by weight, with at least 85 percent of the soil particles ranging in size between 0.05 and 2.0 mm.

**Saturated Soil:** (or seasonal high water table) The highest elevation in the soil where all voids are filled with water, as evidenced by presence of soil mottling or other information.

**School Bus-Stop Waiting Structure:** A structure for school age children to utilize while waiting for a bus or vehicle to pick them up, requirements given in Agriculture Section.

**Scrap/Junk Yard:** An open area where used or second hand materials are disassembled or handled, stored, cleaned, packed, purchased, sold, exchanged, including but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products. This includes an auto wrecking yard but does not include uses established entirely within an enclosed building. Sanitary landfills and licensed recycling facilities are not included.

**Seepage Pit (or leaching pit or dry well):** An underground pit into which a sewage tank discharges effluent or other liquid waste and from which the liquid seeps into the surrounding soil through the bottom and openings in the side of the pit.

**Semi-Public Use:** The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

**Sensitive Areas:** Drinking Water Supply Management Areas (DWSMA), Ten-Year Time of Travel Areas, and One-Year Time of Travel Areas as approved by the Minnesota Department of Health (MDH), Calcareous Fens, and other special protection areas or zones that may be delineated by Federal or State mandates.

**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.

**Septage (Septate):** Those solids and liquids removed during periodic maintenance of a septic or aerobic tank, or those solids and liquids which are removed from a holding tank.

**Septic Tank:** Any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquid, digest organic matter, and store liquids through a period of detention, and allow the clarified liquids to discharge to a soil treatment system.

**Setback:** The minimal horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

**Setback Permit:** A Notarized Permit applied for by the applicant on forms provided by the Cottonwood County Zoning Office, stating distance the structure will be from the Right-of-Way, the Side Yard, and the Rear Yard, and any other pertinent information.

**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.

**Sewage Flow:** Flow as determined by measurement of actual water use or if actual measurements are unavailable, as estimated by the best available data provided by the Minnesota Pollution Control Agency.

**Sewage Tank:** A watertight tank used in the treatment of sewage. Includes, but is not limited to septic tanks and aerobic tanks.

**Sewage Tank Effluent:** That liquid which flows from a septic or aerobic tank under normal operation.

**Sewage Treatment System:** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in SECTION 22, page 94.

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

**Shore Impact Zone:** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

**Shoreland:** Land located within the following distances from public waters: (1) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; (2) 300 feet from a river or stream or the landward extent of the floodplain designated by Ordinance on such a river or stream, whichever is greater. The practical limit of a shoreland may be less than the statutory limit whenever the water involved is bounded by a natural topographic divide which extends landward from the water for a lesser distance, and when approved by the Commissioner of Natural Resources.

**Single Family:** One or two parents, children, and grandparents.

**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, Section 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.

**Site:** The area bounded by the dimensions required for the proper location of the soil treatment system.

**Slope:** The ratio of vertical rise or fall to horizontal distance.

**Soil Characteristics, Limiting:** Those soil characteristics which preclude the installation of a

standard system, including but not limited to evidence of water table or bedrock closer than three feet to the ground surface and percolation rates faster than one-tenth or slower than 60 minutes per inch.

**Soil Textural Classification:** Where soil particle sizes or textures are specified in this Ordinance, they refer to the soil textural classification in the Soil Survey Manual, Handbook No. 18, U. S. Department of Agriculture, 1951.

**Soil Treatment Area:** That area of a trench or bed bottom which is in direct contact with the filter material of the soil treatment system.

**Soil Treatment System:** A system whereby sewage tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil. Includes those systems commonly known as seepage bed, trench, drainfield, disposal field, and includes mounds, Electro-osmosis systems, and seepage pits.

**Standard System:** An ISTS employing building sewer, sewage tank and the soil treatment system commonly known as seepage bed or trenches, drainfield, or leachfield.

**Stealth:** Any telecommunication tower or telecommunication facility which is designed to blend into the surrounding environment.

**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 slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

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

**Structure:** Any building or accessory to a building, except aerial or underground utility lines, such as sewer, electric, telephone, telegraphs, gas lines, wells and water lines, towers, poles, and other supporting utilities.

**Subdivider:** Any individual firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided, to commence and maintain proceedings to subdivide the same under this Ordinance.

**Subdivision:** Land that is divided for the purpose of sale, rent, or lease, including planned unit development.

**Substandard Use:** Any use existing prior to March 4, 1970, which is permitted in the applicable zoning district but does not meet the minimum lot area, length or water frontage, structure setback or other dimensional standards of this Ordinance.

**Sub-Stations:** Any electrical facility designed to convert electricity produced by wind turbines to a voltage for interconnection with transmission lines.

**Surface Water Flooding:** The 100-year flood plain along rivers and streams as defined by the DNR, or in the absence of such data, as defined by the largest flood on record. On lakes, high water levels as determined or recorded by the DNR or, in the case of no DNR record, by local records or experience. Other surface water flooding or high water areas should be determined by

local information.

**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.

**Tangent:** A straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

**Telecommunication Facility:** Any cables, wires, lines, wave guides, antennas, and any other equipment or facility associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However the term telecommunication facilities shall not include:

1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial.
2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

**Telecommunication Tower:** Any ground or roof mounted pole, spire, self-supporting lattice, guyed or monopole structure, or combination thereof taller than 15', which including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade. The term tower shall not include amateur radio operators equipment as licensed by the FCC.

- **Multi user Tower:** A telecommunication tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or government entity.
- **Single User Tower:** A telecommunication tower to which is attached only the antennas of a single user, even though the tower may be designated to accommodate the antennas of multiple users as required by ordinance.

**Ten-Year Flood:** That flood which can be expected to occur, on an average of once in ten years; or the level to which flood waters have a ten percent chance of rising in any given year.

**Toe of the Bluff:** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

**Toilet Waste:** Fecal matter, urine, toilet paper and any water used for flushing.

**Toilet Waste Treatment Devices:** Privies and other devices including incinerating, composting, biological, chemical, recirculating, or holding toilets.

**Top of the Bluff:** The point on a bluff where there is, as virtually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

**Tower:** Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

- **Tower Height:** The height of the tower exclusive of the rotor blades.

- **Total Height:** The highest point above ground level reached by a rotor tip or any other part of the tower.

**Tract:** A defined area of land.

**Transfer of Property:** The Act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

**Unincorporated Area:** Area outside municipalities.

**Use:** The purpose for which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

**Utility:** A service provided to the public including but not limited to : Communication, electricity, gas, sewer, and water.

**\*\*Distribution Line:** Line by which the utility reaches the consumer or user.

**\*\*Transmission Line:** Line by which the utility is transferred to sent across intervening space or distance for distribution.

**Valve Box:** Any device which can stop sewage tank effluent from flowing to a portion of the soil treatment area. Includes, but is not limited to caps or plugs on distribution or drop box outlets, divider boards, butterfly valves, gate valves, or other mechanisms.

**Variance:** A modification of a specific permitted development standard required in an official control, including this ordinance, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a municipality's respective planning and zoning enabling legislation. (The term is defined or described in Minnesota Statutes, Chapter 394.)

**Vertical Curve:** The surface curvature on a road or highway center line located between lines of different percentage of grade.

**Waiver:** The intentional or voluntary written relinquishment of a landowner's right under this ordinance, which waiver would negate the necessity of a variance hearing under the ordinance. Such properly signed and notarized waiver would have the same effect as a decision of the Board of Adjustment.

**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.

**Water Supply Purpose:** Any use of water for domestic, commercial, industrial or agricultural purposes.

**Water Table:** The highest elevation in the soil where all voids are filled with water, as evidenced by the presence of water, soil mottling, or other information.



**Watertight:** Constructed so that no water can get in or out below the level of the outlet.

**WECS - Wind Energy Conversion System:** A device such as a wind charger, windmill, or wind turbine and associated facilities that convert wind energy to electric energy.

- **Large Wind Energy Conversion System or LWECS:** Any Combination fo WECS with a Combined Nameplate Capacity of 5,000 kilowatts or more.
- **Small Wind Energy Conversion System or SWECS:** Any Combination of WECS with a combined nameplate capacity of less than 5,000 kilowatts.

**Wetland:** A surface water feature classified as a Wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 Edition), which is hereby incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

**Wild and Scenic River Land Use District:** Those lands designated by the commissioner of the Department of Natural Resources as the protected land corridor along those rivers or river segments designated as wild, scenic, or recreational rivers.

**Wildlife Block Planting:** A planting of woody cover plants for food and shelter for wildlife.

**Yard:** Any space in the same lot with a building, open and unobstructed from the ground to the sky.

**Yard, Front:** A yard extending across the front of the lot between the inner side yard lines, and lying between the front line of the lot and the nearest line of the building.

**Yard, Rear:** A yard extending across the width of the lot, and lying between the rear lot line and the nearest line of the principal building.

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