

## SECTION 4 RULES AND DEFINITIONS

### SUBDIVISION 1. RULES

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

1. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The word “shall” and “must” is mandatory and not discretionary, the word “may” is permissive.
3. Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.
4. The term “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
5. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.

### SUBDIVISION 2. DEFINITIONS

1. **Accessory Structure.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks. An unattached garage is considered an accessory structure.
2. **Accessory Use.** A use clearly incidental or subordinate to the principal use of a lot or a building located on the same lot as the principal use.
3. **Adult Use Ordinance.** The ordinance promulgated and adopted by the Murray County Board to provide the minimum acceptable standards relating to the Adult Uses within the County.
4. **Aerobic Process.** Requires free oxygen for operation.
5. **Agency.** The Minnesota Pollution Control Agency as established in Minnesota Statutes, Chapter 116.
6. **Agriculture Use.** The use of land and associated structures for the growing, production and/or harvesting of crops, livestock, livestock products, limited agriculture, lands in a government conservation program and incidental and accessory activities and uses, in accordance with generally accepted practices and all related laws and regulations, including but not limited to the following:
  - A. Crops, including but not limited to: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, sugar beets, edible beans, and wheat;

- B. Livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, other game such as deer and elk, llamas, buffalo, and other animals including ostrich, emu, rabbits, mink and other exotic animals;
  - C. Livestock products, including but not limited to: milk, butter, cheese, eggs, meat, and fur;
  - D. Limited agriculture, including but not limited to: horticulture or nursery stock, fruit, orchards, vegetables, forage grains and bee products;
  - E. Lands enrolled in a government conservation program.
  - F. Incidental and accessory activities and uses, including but not limited to:
    - 1.) Pasture, woodland or meander land held and/or operated in conjunction with other agricultural uses described in this definition;
    - 2.) On-site constructing and maintaining of equipment and facilities used on the premises for the activities described in this definition;
    - 3.) Preparing, packing, treating, storing or disposing of the products or by-products raised on the premises described in this definition;
    - 4.) Retail selling by the producer of products raised on the premises described in this definition;
  - G. Uses defined herein as Kennels, Salvage Yards or Extended Home Occupations are not Agricultural Uses. They are separate businesses and regulated as such herein.
7. **Agricultural Service Business.** A service that relies on an agricultural related customer base.
  8. **Alteration.** To change or make different; to remodel or modify.
  9. **Anaerobic Process.** Occur without free oxygen to liquefy or degrade high BOD (biochemical) oxygen demand wastes.
  10. **Animal Manure.** Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, or other materials.
  11. **Animal Unit (A.U.).** 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.
  12. **Antenna.** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, microwave signals, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
  13. **Applicant.** A person, corporation, or other legal entity recognized by law who applies for a variance, zoning permit, conditional use permit, or other land use permit.
  14. **Basement.** Means any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

15. **Bed and Breakfast.** An owner or manager occupied dwelling in which a room or rooms, forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes, which are rented on a nightly basis for periods of less than a week. Meals may or may not be provided.
16. **Bedroom.** Means, for the sole purpose of estimating design flows from dwellings, an area that is:
  - A. A room designed or used for sleeping; or
  - B. A room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.
17. **Berm.** A mound of earth, or the act of pushing earth into a mound.
18. **Best Management Practices.** Best Management Practices means practices, techniques, and measures, which prevent or reduce water pollution from non-point sources by using the most effective and practicable means of achieving water quality goals. Best management practices include, but are not limited to, official controls, structural and non-structural controls, and operation and maintenance procedures.
19. **Bluff.** Bluff means 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 a 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 water body;
  - C. The grade 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 drains toward the water body.
20. **Bluff Impact Zone.** Bluff Impact Zone means a bluff and land located within 20 feet from the top of a bluff.
21. **Bluff-line.** A line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the Ordinary High Water Mark.
22. **Board of Adjustment.** A board established by county ordinance, appointed by the County Board, with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, sections 394.21 to 394.37, and perform such other duties as required by the official controls.
23. **Buffer.** A strip of land intended to create physical separation between potentially incompatible uses of land.

24. **Buildable Area.** The area of a lot remaining after the minimum yard setback requirements of this ordinance has been met.
25. **Buildable Land.** Land with a slope less than 25 percent, and outside of any required setbacks and above any floodway, drainage way, or drainage easement.
26. **Building.** Any structure, either temporary or permanent, for the shelter, support or enclosure of persons, animals, chattel or property of any kind; and when separated by party walls without openings, each portion of such buildings so separated shall be deemed a separate building.
27. **Building Line.** A line parallel to a lot line or the normal high water level at the required setback beyond which a structure may not extend.
28. **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 that distance between the building and property line which buildings or structures may not be placed.
29. **Business.** Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or services are offered for compensation.
30. **Camouflaging Architectural Treatment.** A wireless communication facility that is disguised, hidden or screened, but remains recognizable as a wireless communication facility. The design must be compatible with the year round historical, environmental and cultural character of the area.
31. **Campground.** Means an area of property, whether privately or publicly owned, upon which two or more campsites are located, used on a daily, nightly, or weekly basis upon which a tent, pickup camper, motor home, pop-up camper, or trailer made for camping may be placed and where proper sanitation facilities and spacing of camp units are provided and maintained.
32. **Carport.** Automobile shelters having one or more sides open.
33. **Cemetery.** Property used for the interment of the dead.
34. **Church.** A building and uses, where persons regularly assemble for religious worship and which building, and uses, is maintained and controlled by a religious body organized to sustain public worship.
35. **Co-Location.** The placement of wireless telecommunication antennae by two (2) or more service providers on a tower, building or structure.
36. **Commercial Planned Unit Developments.** Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
37. **Commercial Use.** The principal use of land or buildings for sale, lease, rental, or trade of products, goods, and services.

38. **Commercial Wireless Telecommunication Services.** Licensed commercial wireless telecommunication services, including cellular, Personal Communication Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), paging, Local Multipoint Distribution System (LMDS), and similar services.
39. **Comprehensive Plan.** Comprehensive plan means the policies, statements, goals, and interrelated 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 unincorporated area of the county.
40. **Conditional Use.** A land use or development as is defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon the finding that: (1) certain conditions as detailed in this Ordinance exist, and (2) use or development conform to the comprehensive plan of the County and (3) is compatible with the existing neighborhood.
41. **Conditional Use Permit.** A permit issued by the County Board in accordance with procedures specified in this Ordinance which would enable the Board to assign site specific conditions and dimensions to a proposed use.
42. **Condominium.** A form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant.
43. **Conservation Development.** A method of subdivision characterized by common open space and compact residential structure unit lots that may or may not be clustered. The purpose of a conservation development is to create greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities.
44. **Contiguous.** Parcels of land that share a common lot line or boundary. Parcels that are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for purposes of this Ordinance.
45. **Contour Interval.** The vertical height between contour lines.
46. **Contour Map.** A map on which irregularities of land surface are shown by lines connecting points of equal elevations.
47. **Country Club.** A golf club equipped with a golf course and a clubhouse.
48. **County.** Murray County, Minnesota.
49. **County Board.** Includes the County Commissioners, the Board of County Commissioners or any other word or words meaning the Murray County Board of Commissioners.
50. **Cul-de-sac.** Short streets having one end open to traffic and being terminated by a vehicle turn-around.

51. **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a dwelling unit, principal use or site and extending at any point more than six inches (6") above ground.
52. **Density.** The number of dwelling units permitted per net acre of land or square footage of land.
53. **Depth of Lot.** The mean horizontal distance between the mean front street line and the mean rear lot line.
54. **Depth of Rear Yard.** The mean horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists, otherwise a rear lot line.
55. **Developer.** The owner of land proposed to be subdivided or their representative.
56. **Development.** The act of building structures and installing site improvements.
57. **DNR Commissioner.** The Commissioner of the Minnesota Department of Natural Resources.
58. **Driveway.** A private road or path that is located on the lot that it services and which affords vehicle access to a public road.
59. **Dwelling Unit.** Two or more rooms within a structure which are arranged, designed or used as short or long term living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed shall be included for each dwelling. A mobile home with the above accommodations located in areas approved for mobile homes; and motel, hotel, and resort rooms and cabins shall be considered a dwelling unit. A travel trailer, house trailer, camper trailer, or tent are not considered dwelling units, except as allowed in Section 14, Subdivision 7a.
  - A. **Dwelling, farm.** A dwelling located on a farm, which the residents of said dwelling owns, operates or is employed thereon.
  - B. **Dwelling, non-farm.** A dwelling located on a parcel of land contiguous to or surrounded by farmland which is under separate ownership and which the resident of said dwelling neither operates nor is employed thereon.
  - C. **Dwelling, single family.** A free standing (detached) residence designed for/or occupied by one (1) family only.
  - D. **Dwelling, Duplex, Triplex, and Quad.** A dwelling structure on a parcel, 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.
60. **Earthen Storage Basin.** (See Manure Storage Area)
61. **Easement.** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways, roadways, utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, cable television, storm sewer or storm drainage ways, and gas lines.

62. **Entrance Steps.** Steps leading up to an entrance to a structure with a landing not exceeding four (4) feet by six (6) feet.
63. **Environmental Assessment Worksheet. (EAW)** Means a brief document that might be required under Minnesota Statutes, Chapter 116C and D, which is designed to set out the basic facts necessary to determine whether an Environmental Impact Statement (EIS) is required for a proposed action.
64. **Environmental Impact Worksheet or Statement. (EIS)** That document that might be required under Minnesota Statutes, Chapter 116C and D.
65. **Erosion.** The process by which soil or rock material is worn down and carried away by wind or water; erosion is increased when vegetation is removed and soil is left exposed.
66. **Essential Services.** Services and utilities needed for the health, safety, and general welfare throughout the County, including but not limited to underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which they are located.
67. **Expansion, Enlargement, or Intensification.** Any increase in a dimension, size, area, volume, or height; any increase in the area of use; any placement of a structure or part thereof where none existed before; any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool; any improvement that would allow the land to be more intensely developed; any move of operations to a new location on the property; or any increase in intensity of use based on a review of the original nature, function, or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the County.
68. **Extraction Area.** Any non-agricultural artificial excavation of earth exceeding 50 square feet of surface area of two feet in depth, other than activity involved in preparing land for earth sheltered or conventional construction of residential, commercial, and industrial buildings, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone, or other natural matter, or made by turning, breaking, or undermining the surface of the earth.
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, Sections 93.44 to 93.51.
70. **FAA.** Federal Aviation Commission.
71. **Family.** Any number of individuals living together on the premises or a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.
72. **Farm.** A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock, poultry, or fish farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm.

73. **Farm Fence.** A fence as defined by Minnesota Statute, Section 344.02, Subdivision 1 (a) – (d). A farm fence is not considered to be a structure under this ordinance. A conditional use permit shall be required in the Floodway District and a land use permit shall be required in the Flood Fringe District for any fence that has the potential to obstruct flood flow such as cyclone fences and fences with rigid walls such as wood or concrete privacy fences.
74. **FCC.** Federal Communications Commission.
75. **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 as regulated in Section 14, Subdivision 12 of this Ordinance are found in Minnesota Pollution Control Agency’s Rule Chapter 7020. These rules are adopted by reference in this Ordinance.
76. **Feedlot, Change in Operation.** An increase beyond the permitted maximum number of animal units, or increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction operation of an animal feedlot that would affect the storage, handling, utilization or disposal of animal manure.
77. **Feedlot, Confinement Facility.** A type of feedlot where the animals are confined and fed under a roof or in a building.
78. **Feedlot, Construction Report.** A report prepared and signed by the design engineer or feedlot operator containing an assessment of whether the completed feedlot conforms to the design plans and specifications submitted to the County Feedlot Officer or MPCA.
79. **Feedlot, Construction Short Form Permit.** A permit issued for an animal feedlot or manure storage area according to Minnesota Rules Chapter 7020.0355 to 7020.0535.
80. **Feedlot, Corrective or Protective Measures.** A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with MPCA rules.
81. **Feedlot, Covered Lagoon or Covered Basin.** An earthen constructed manure holding structure either totally covered with a minimum of a six-inch thick layer of straw or other similar material, a synthetic or floating man-made cover which continually covers the entire lagoon or earthen basin area, or a wooden, concrete, or glass-lined steel structure totally enclosing and covering the lagoon or earthen basin.
82. **Feedlot, Domestic Fertilizer.** Animal manure that is input on or injected into the soil to improve the quality or quantity of plant growth; or is used as compost, soil conditioners, or specialized plant beds.
83. **Feedlot, Existing.** Any animal feedlot in existence on or before May 8, 2007, and has had livestock in the past five (5) years.
84. **Feedlot, Lagoon.** A biological treatment system designed or operated for biodegradation or converting of organic matter in animal wastes to more stable end products.



85. **Feedlot, Manure.** Any solid or liquid containing animal excreta.
86. **Feedlot, Manure Management Plan.** A Manure Management Plan is a written description of how manure generated at the facility is going to be utilized during the upcoming cropping year(s) in a way that protects surface-water and ground-water quality, while also being beneficial from an agronomic and economic standpoint.
87. **Feedlot, New.** An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five years or more.
88. **Feedlot Operator.** An individual, a corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.
89. **Feedlot, Potential Pollution Hazard.** A condition which indicates a potential for pollution of the land or waters of the state including: An animal feedlot or manure storage area whose boundaries are located within shoreland or floodplain, or are located in an area draining directly to an area with shallow soils, or are located within 100 feet of a water well; or an animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or ground waters of the state in excess of applicable standards, including, but not limited to, MN Rules Chapters 7050 and 7053, during a rainstorm event of less magnitude than the 25-year, 24-hour event, violate any applicable state rules.
90. **Fence.** Any partition, structure, wall or gate specifically placed to form a divider marker, barrier, or enclosure and located along the boundary or within the required yard.
91. **Fence, Privacy.** Any fence over four (4) feet in height, but not more than six (6) feet from the ground level as regulated in Section 16, Subdivision 7 of this Ordinance.
92. **Fill.** Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.
93. **Filter Strip.** Vegetated area adjacent to shoreline that helps prevent contaminants from reaching the water; native vegetation provides the best filtration.
94. **Fish House.** A structure designated and used solely for placement on lake for winter ice fishing.
95. **Flood.** A temporary increase in the flow or stage of a stream or in the stage of a lake that results in the inundation of normally dry areas.
96. **Flood fringe.** That portion of the floodplain outside of the floodway.
97. **Floodplain.** The channel or beds proper and the area adjoining a wetland, lake or watercourse which has been or hereafter may be covered by the regional flood. Floodplain areas within the County shall encompass all areas designated as Zone A or AE on the Flood Insurance Rate Map.
98. **Flood proofing.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction of flood damages.

99. **Floodway.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
100. **Garage.** A building or part thereof used for storage of vehicles.
101. **Gazebo.** A roofed structure that furnishes a shady refuge, sometimes referred to as a summerhouse. For the purposes of this Ordinance, a gazebo is a non-water-oriented structure.
102. **Gross Floor Area.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, the exterior faces of exterior walls, or from the center line of party walls separating two buildings; the term does not include basements used for storage purposes or enclosed spaces used for off-street parking.
103. **Guy Supported Towers.** A tower that is supported, in whole or in part, by wires and ground anchors.
104. **Hardship.** Means the same as defined in Minnesota Statutes, Chapter 394.
105. **Hazardous Waste.** Any substance that, when discarded, meets the definition of hazardous waste in Minnesota Statutes, Section 116.06, Subdivision 11.
106. **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.
107. **Highway.** Any public thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with a Murray County numerical route designation.
108. **Home Occupation.** An accessory use carried out by the occupant of a dwelling in which goods are produced, traded or sold, or services are otherwise rendered as an economic enterprise. Home Occupations do not include incidental garage sales, yard sales and one-time product sales parties. Any Home Occupation, which involves:
- A. Any activity, including retail selling of products raised on the premises of an agricultural operation;
  - B. Repair or maintenance of equipment or vehicles other than for the owner's own personal or agricultural use;
  - C. Service, assembly or construction of goods requiring equipment other than customarily found within a home or an agricultural operation; and/or
  - D. More than 150 square feet dedicated to the display for sale or order of merchandise and/or stock not produced on the premises.
  - E. Occupying more than 25% of a dwelling, more than 25% of an attached or detached garage, or in a separate accessory structure.

109. **Impervious Surface.** An area of land that is covered by material or structure, which substantially prevents the absorption of water into the ground, including but not limited to, asphalt or concrete driveways, decks, and buildings. For the purpose of computing impervious surface, 90% of the area of gravel driveways, gravel roadways or gravel parking areas shall be deemed to be impervious.
110. **Improvement.** Making the nonconforming use or structure better, more efficient, or more aesthetically pleasing including any change that does not replicate what pre-existed but does not include expansion, enlargement, or intensification.
111. **Industrial Use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
112. **Intensive Vegetation Clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
113. **Junk Yard.** Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.
114. **Kennel.** An establishment in which dogs, cats, birds and similar animals commonly kept in a residence are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation which may or may not be owned by the establishment owner/operator.
115. **Lagoon.** A biological treatment system designed and operated for biodegradation, converting organic matter to more stable end products.
116. **Landfill, Demolition.** A place for the disposal of demolition waste, building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition.
117. **Landfill, Solid Waste.** A place for the disposal of solid waste including garbage, refuse, and other discarded solid materials resulting from residential, commercial, industrial, and community activities.
118. **Landing.** A level area at the top or bottom of a section of stairway, with or without a railing.
119. **Large Solar Energy System.** A solar farm, where the primary land use of the parcel is for a solar array. Solar farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a Direct Current (DC) rated capacity greater than 100 kilowatts.
120. **Lot.** A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Ordinance, and having the required frontage upon the street, either shown and identified by lot number on a plat of record or considered as a unit or property and described by metes and bounds.
121. **Lot Area.** The area of a horizontal plane bounded by the front, side or rear lot lines, but not including any area occupied by the waters of lakes or rivers or by public right-of-ways.
122. **Lot, Corner.** A lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees.

123. **Lot, Coverage.** The total allowable amount of lot area, expressed as a percentage, which may be covered by a principle building and its accessory structures, excluding projecting roof eaves.
124. **Lot Frontage.** That portion of the lot boundary having the least width abutting on the street right-of-way.
125. **Lot Lines.** The lines bounding a lot as defined in this Ordinance.
126. **Lot, Substandard.** A lot or parcel of land for which record title has been established in the records of the office of the Murray County Recorder upon or prior to the effective date of this Ordinance, which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
127. **Lot of Record.** Any lot which has been recorded in the Office of the Murray County Recorder prior to the adoption of this Ordinance.
128. **Lot Width.** The shortest distance between lot lines measured at the midpoint of the building line.
129. **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building's lowest floor.
130. **Manufactured Home (within the floodplain only).** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
131. **Manure Storage Area.** An area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these parts.
132. **Metes and Bounds.** A method of property description in which successive sides are described by means of direction and distance from an easily identifiable point.
133. **Mining Operation.** The removal from the land of stone, sand and gravel, top soil, black dirt, peat, coal, slate, iron, copper, nickel, granite, petroleum products or other minerals or materials for commercial, industrial or governmental purposes.
134. **Mixed Municipal Solid Waste.** Means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludge, tree and agricultural waste, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

135. **Mobile Home.** A single family dwelling designed to be moved by being built on a frame or chassis and further specifically designed and constructed so that the wheels are, or may be attached for transportation on public streets, or highways, and designed without the need for permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundations, excluding basement or cellar, connection to the utilities and the like.
136. **Monument.** A structure, such as a building or sculpture, erected as a memorial. No permit required if the monument does not exceed 10 square feet and is less than 10 feet in overall height.
137. **Motel.** A business comprising of a series of attached or detached rental units, with or without eating facilities, used primarily as temporary residences for motorists, tourists or travelers.
138. **MPCA.** Minnesota Pollution Control Agency.
139. **Municipality.** A city, village, borough, county, town, sanitary district, or other governmental subdivision or public corporation, or agency created by the legislature.
140. **National Pollutant Discharge Elimination System (NPDES).** A permit issued by the MPCA for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.
141. **Non-Buildable Lot.** A lot which is not permitted to have a dwelling of any kind erected or placed upon said lot.
142. **Non-Conforming Use.** A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.
143. **Nonconformity.** 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 permitted 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.
144. **Observation Deck/Patio.** A free-standing deck/patio that is allowed within the shore impact zone and is not accessible from any other structure.
145. **Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory floodplain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.
146. **Official Control.** Official control means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county or any part thereof or any detail thereof, and are the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include but are not limited to, ordinances establishing zoning, subdivision controls, site plan rules, sanitary codes, building codes, housing codes, and official maps.

147. **Open Space.** Land areas which are undeveloped and left in their natural state.
148. **Ordinary High Water Level.** Ordinary High Water Level means the boundary of water basins, water courses, public waters and public water wetlands; and
- A. The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
  - B. For water courses, the ordinary high water level is the elevation of the top of the bank of the channel; and
  - C. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
149. **Owner.** Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.
150. **Parcel.** A piece of land having its own dimensions, as described by plat or survey, metes and bounds or by reference to a section or partial section.
151. **Pasture.** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.
152. **Patio.** An open recreation area adjacent to a dwelling, or free standing, that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material.
153. **Periodically Saturated Soil.** Means the highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions.
154. **Permitted Use.** A public or private use which of itself conforms to the purposes, objectives, requirements, regulations and performance standards of a particular district.
155. **Planning Commission.** The duly appointed Planning Commission of the Murray County Board.
156. **Planned Unit Development.** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, and conversions of structures and land uses to these uses.
157. **Point Source.** Point Source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

158. **Practical Difficulty.** As used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.
159. **Primary Use.** The predominant use of the land or buildings as distinguished from subordinate or accessory uses. A primary use may be either permitted or conditional.
160. **Produce Stand.** A structure which is readily movable and used or intended to be used only for the display or sale of seasonal agricultural or farming products (raised on the premises), including fruits and vegetables. The term shall include the incidental retail selling by the producer of products on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way (as regulated).
161. **Public Water.** Public Waters means any waters as defined in Minnesota Statutes Section 103G.005. However, no lake, pond or flowage of less than twenty-five (25) acres in size and no river or stream having a total drainage area of less than two (2) square miles need to be regulated by the County for the purposes of this Ordinance. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commission shall be exempt from the provisions of the statewide standards and criteria.
162. **Quarter and Quarter-Quarter Sections.** A division of a section of land according to the rules of the original United States Government public land survey. A quarter refers to 160 acres or it's approximate, a quarter-quarter refers to 40 acres or it's approximate.
163. **Recreational Use, Commercial Outdoor.** Includes all uses that are privately owned and provide entertainment for the public primarily out-of-doors and which require large land areas or location in a rural setting such as golf courses, driving ranges, shooting ranges, hunting preserves, riding stables, etc. Such use does not include campgrounds or recreational vehicle camps.
164. **Recreational Use, Commercial Indoor.** Includes all uses that are privately owned and provide entertainment for the public indoors such as bowling alleys, indoor roller and ice skating rinks, indoor driving ranges, health clubs, etc.
165. **Recreational Vehicle.** A temporary structure, less than forty (40) feet in length, which can be towed, hauled or driven and is primarily designed as temporary housing accommodations for recreational, camping or travel use, including but not limited to travel trailers, truck campers, camping trailers, and self propelled motor homes.
166. **Recreational Vehicle (within the floodplain only).** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

167. **Recycling.** The process of collecting and preparing recyclable materials and reusing the material in their original form or using them in manufacturing processes that do not cause the destruction of recyclable material in a manner that precludes further use. In addition, recycling means yard waste composting and recycling that occurs through mechanical or hand separation of materials that are then delivered for reuse in their original form or for use in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
168. **Recycling Facility.** A site used to collect, process, and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.
169. **Regional Flood.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonable characteristics of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Rate Map.
170. **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.
171. **Renewable Energy.** Energy from sources that are not easily depleted such as moving water (hydro, tidal and wave power), biomass, geothermal energy, solar energy, wind energy, and energy from solid waste treatment plants.
172. **Renewable Energy Ordinance.** The ordinance promulgated and adopted by the Murray County Board to provide the minimum acceptable standards relating to the Renewable Energy Uses within the County.
173. **Repairs and Maintenance.** An alteration of the interior or exterior portion of a structure that does not involve the replacement of the main structural frame, walls, or changes in the exterior dimensions of the structure. Repairs and maintenance of an existing structure shall be considered one or more of the following:
- A. Work performed on the interior of the structure;
  - B. Work performed on the exterior of the structure to include the following:
    - 1.) Painting, replacement of siding, windows, doors, soffit, fascia, re-roofing (to include shingles and sheathing), roofing (if roofing replacement does not increase the height by more than two feet, or increase living space) and ornamentation. This also includes replacement of rotten or deteriorated material associated with the replacement of above items;
    - 2.) Additional doors or windows;
    - 3.) Repairs to foundation provided the existing building floor elevation is not raised more than 36 inches above its previous floor elevation;
    - 4.) Incidental repairs to decks and platforms (i.e. new floorboard and/or railings);
- \*Under no conditions shall repairs and maintenance constitute replacement of the main structural frame, walls, or changes in the exterior dimensions.



174. **Replacement, Reconstruction, or Restoration.** Construction that exactly matches pre-existing conditions. By way of example, this would include, but is not limited to, exactly matching pre-existing conditions in terms of location, dimension, size, area, floor plan, useable space (both finished and unfinished), height, volume, and roof line.
175. **Riparian Land.** Riparian Land means lands adjacent to public waters, drainage systems, wetlands, or locally designated priority waters identified in a comprehensive local water plan.
176. **Road.** A public or private right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, boulevard, thoroughfare, parkway, thruway, roadway, road, avenue, lane, place, or as otherwise described.
177. **Roofing, Canopy or Marquee.** A permanent roof-like shelter either free standing or extending from part or all of building fascia over a public right-of-way or a portion of the premises and constructed of some durable material such as metal, glass, plastic, cloth or wood.
178. **Runoff.** Water flowing over the surface of land or soil; runoff can cause erosion and is increased when surfaces are paved or covered with roofs, patios, or decks.
179. **Salvage Yard.** A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.
180. **Self-Storage Facility.** A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.
181. **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.
182. **Sensitive Aquifer.** Aquifers defined as water-bearing porous soil or rock strata that yield significant amounts of water to wells that will be impacted by nitrogen from Subsurface Sewage Treatment System. Inherent in the definition are two points:
- A. The aquifer formation must be porous (e.g., sand and gravel or cracks and fractures in more solid rock) and
  - B. Water must be able to flow through and out of the formation in quantities large enough to be significant
183. **Sensitive Groundwater Area.** Sensitive Groundwater Area means a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface. These areas may be identified by mapping or other appropriate methods determined by the Commissioner of Natural Resources and the Board of Water and Soil Resources. Wellhead protection areas may be designated as a sensitive groundwater area.
184. **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.

185. **Setback.** The minimum horizontal distance between a structure, sewage treatment system, or other facility and a normal high water level, sewage treatment system, road, highway, property line, or other facility.
186. **Sewage Treatment System, Public.** Means a system owned and operated by a City, Township, County, or other Governmental Entity recognized by Minnesota Statute, including the sewage treatment plant, and all pipelines or conduits, pumping stations, force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to the treatment plant. This definition does not include cluster systems or any ISTS as defined by MPCA regulations, nor any privately owned and operated sewage treatment systems.
187. **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.
188. **Sewered.** Any lake, river, or stream or portion thereof that is served by a public wastewater treatment system.
189. **Shore Impact Zone.** Land located between the normal high water level of public water and a line parallel to it at a setback of 50 percent of structure setback.
190. **Shoreland.** Land located within the following distances from the public water. (1) One thousand (1,000) feet from the normal high water mark of a lake, pond, or flowage: and (2) three hundred (300) feet from a river or stream or the landward extension of a floodplain designated by this Ordinance on such a river or stream, whichever is greater. The practical limits of shoreland may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which may extend landward from the waters for lesser distances and when approved by the DNR commissioner, and the County Commissioners.
191. **Shoreland Map.** The map or maps which are a part of this ordinance and delineate the boundaries of the Shoreland District.
192. **Shoreland Setback.** The minimum horizontal distance between a structure and the normal high water mark.
193. **Sign.** A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- A. **Abandoned.** A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where such sign is displayed.
  - B. **Agricultural Product.** Sign located on a farm residence property advertising farm products or merchandise or services sold, produced, manufactured, or furnished on such farm.
  - C. **Area.** The area that is framed either physically or visually by the construction, design, or layout of a sign itself but not including supporting structures. Only one side of a double-face sign structure shall be used in computing the total sign area.

- D. Awning, Canopy, or Marquee. A sign attached to or constructed on the fascia hung, painted, or attached to a canopy, awning, or marquee.
- E. Banner. An attention-getting device intended to be hung either with or without a frame. Such signs are typically made of plastic, paper, or other fabric and are hung for a limited amount of time.
- F. Billboard/Advertising. A sign erected along a County, state trunk, or federal highway for the purpose of advertising a business, service, activity, product, or event, person, or subject not offered or sold on the premises on which said sign is located.
- G. Business. A sign which directs attention to a business or profession conducted upon the premises at which the sign is located and which may refer to goods or services produced, offered for sale, or obtained at such premises.
- H. Changing (Automatic). Any sign such as electronically or electrically controlled public service information signs, message centers, or reader boards where different automatic changing messages of an informative or commercial nature of interest to the traveling public are shown.
- I. Construction. A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- J. Directional. A sign that contains no advertising of any kind and provides direction or instruction to guide persons or vehicles to facilities intended to serve the public.
- K. Flashing. An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.
- L. Free Standing. Any stationary or portable, self supported sign not affixed to any other structure. Includes monument, ground, or pedestal sign.
- M. Garage Sale. Signs advertising a garage sale.
- N. Height. The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb to the highest point of said sign.
- O. Historical. Any sign that is of historical significance or that is a historical resource.
- P. Home Occupation. A sign identifying a residential professional office or home occupation, which has received a Conditional Use Permit, conducted in a portion of the home or accessory building.
- Q. Housing Development. Sign which identifies the name of the housing development subdivision of either or more units.
- R. Identification. A sign that identified the inhabitant of the dwelling.
- S. Illuminated. Any sign, which is lighted by artificial light source either, directed upon it or illuminated from an interior source.

- T. Institutional. A sign identifying a religious or public institution or public recreation facility including airport, library, community center, park, religious facility, hospital, armory, school, nature center, or cemetery.
- U. Manufactured Park. A sign identifying a manufactured home park of either or more units.
- V. Memorial. Names on buildings, date of construction, commemorative tablet, and the like, which are constructed of bronze or other non-combustible material and which is an integral part of the building or structure.
- W. Mobile or Portable. A sign on wheels or otherwise capable of being moved from place to place.
- X. Motion. Any sign that revolves, rotates, has any moving part, or gives the illusion of motion.
- Y. Nameplate. A sign that states the name and/or address of the business, industry, or occupant.
- Z. Nonconforming (Legal). Any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Ordinance.
- AA. Pedestal. A ground sign usually erected on one central shaft or two posts which is solidly affixed to the ground.
- BB. Political. A sign on behalf of a candidate for office or measures on election ballots.
- CC. Projecting. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- DD. Public. Signs of public, noncommercial nature including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historic points of interest, memorial plaques, and the like when signs are erected by or on order of a public officer or employee in the performance of official duty.
- EE. Real Estate. A business sign placed upon a property advertising that particular property (land and/or buildings) for sale, for rent, or for lease.
- FF. Real Estate Development. A temporary sign for the purpose of selling or promoting a subdivision plat or development project.
- GG. Roof. Any sign that is erected, constructed, or attached wholly or in part upon or over the roof of a building.
- HH. Structure. The supports, uprights, braces, guys, and framework of the sign.
- II. Wall. A sign attached to or erected against the wall of a building with the exposed face of the sign plane parallel to the plane of the said wall.
- JJ. Window. Signs placed inside a building for the purpose of viewing from the exterior through a window.

194. **Significant Historical 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 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.
195. **Small Solar Energy System.** A solar array that is an accessory use.
196. **Solar Energy System.** A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.
197. **State.** The State of Minnesota.
198. **State Animal Feedlot Permit.** An identified potential pollution hazard cannot be corrected within a 10 month period because the solution is not technically or economically feasible, or the manure is not used as a domestic fertilizer. This permit contains requirements, conditions and compliance schedules relating to the discharge of animal manure pollutants.
199. **Special Protection.** A zoned area, the purpose of which is to manage areas unsuitable for development.
200. **State Feedlot Permit.** Issued by MPCA to facilities that require more than ten months to correct the problems due to technical or economic problems, or for sites that do not dispose of manure as domestic fertilizer.
201. **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 solid 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 12 percent, as measured over horizontal distances of 50 feet or more.
202. **String Line Method.** A method of determining the building setback on nonconforming lots from both the lake and the road right-of-way where a string connects both corners of adjacent like structures (i.e. dwelling units or accessory structures), with no structures located within the shore or bluff impact zone, with the exception of water-oriented accessory structures.
- A. Lake. The string connects the waterward corner of the adjacent like structures on both sides of the proposed structure.
- B. Road. The string connects the roadside corner of the adjacent like structures on both sides of the proposed structure.
203. **Structure.** Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 15 Subdivision 9 of this Ordinance and other similar items.

204. **Structural Alterations.** Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
205. **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
206. **Subdivision Ordinance.** The ordinance promulgated and adopted by the Murray County Board to provide the minimum acceptable standards relating to the subdivision of land within the County.
207. **Substantial Damage.** Means damage of any origin sustained by a structure where the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
208. **Substantial Improvement.** Within any consecutive 365-day period, any reconstruction, rehabilitation, (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equal or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
  - B. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purposes of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.
209. **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. Marina, resorts, and restaurants with transient docking facilities are examples of such use.
210. **Swimming Pool, Above Grade.** A swimming pool whose exposed sides have a height of four (4) feet or greater above the natural ground located adjacent to said swimming pool.
211. **Swimming Pool, Below Grade.** A swimming pool whose exposed sides have a height of less than four (4) feet above the natural ground located adjacent to said swimming pool.
212. **Swimming Pool, Private.** A structure, not located within a completely enclosed building, for swimming or bathing purposes, which is capable of containing water at a depth of one and one halve (1 ½) feet or greater.
213. **Temporary Use.** A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.
214. **Total Height.** The distance between the ground level at the base of a structure and its tallest vertical extension including any attachment thereon.
215. **Tourism Retail and Service Business.** A retail or service business whose primary activity surrounds tourism sales.

216. **Tower.** Any pole, spire, structure or combination thereof, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting antenna or to serve as an antenna, or for the placement of a wind energy conversion system.
217. **Travel Trailer.** See Recreational Vehicle.
218. **Unincorporated Area.** The area outside an incorporated city, village, or borough.
219. **Unsewered.** Any lake, river, or stream or portion thereof that is not served by a public wastewater treatment system, but instead is served by approved individual wastewater treatment systems.
220. **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.
221. **Utility.** Utility means a sanitary sewer, storm sewer, potable water distribution, and transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications.
222. **Variance.** The waiving by the Board of Adjustment of the literal provisions of this Ordinance in cases where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property involved. Variances shall be limited to height, bulk, density and yard requirements.
223. **Waste Treatment Lagoon.** A biological treatment system designed and operated for biodegradation, converting organic matter in wastes to more stable end products.
224. **Waters of the State.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions thereof.
225. **Water-Oriented Accessory Structure or Facility.** A small (120 square foot maximum size), 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 screen houses, fish houses, pump houses, gazebos, and detached decks.
226. **WECS – Wind Energy Conversion System.** A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy, including, but not limited to: power lines, transformers, substations, and meteorological towers. The energy may be used on-site or distributed into the electrical grid.
227. **Wellhead Protection Area.** The surface and subsurface area surrounding a well or well field that supplies a public water system, through which contaminants are likely to move toward and reach the well or well field as regulated under Minnesota Rules Chapter 4720. For the purposes of this ordinance, wellhead protection area is that area bounded by the drinking water supply management area as regulated under Minnesota Rules Chapter 4720.

228. **Wetland.** A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition). Wetland means land that has a predominance of hydric soils and that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, or that periodically does support, a predominance of hydrophytic vegetation typically adapted for life in saturated soil conditions.
229. **Windmill, Functional.** A structure utilizing wind power for the pumping of water for agricultural use on the parcel of property on which the windmill is located.
230. **Windmill, Ornamental.** A non-functional windmill used for decoration.
231. **Yard.** The space in the same lot with a building open and unobstructed from the ground to the sky.
- A. **Front Yard.** The area extending across the front of the lot between the side yard lines and lying between the center line of the road or highway and the nearest line of the building.
  - B. **Rear Yard.** The space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.
  - C. **Side Yard.** An open unoccupied space on a lot between the main building and the sideline of the lot, extending from the front to the rear of the main building.
232. **Zoning Administrator.** The person duly appointed by the County Board and charged with the enforcement of this Ordinance or his/her authorized representative.
233. **Zoning Amendment.** A change in this Ordinance authorized by the County Board which can take three forms;
- A. A comprehensive revision or modification of the zoning text and map;
  - B. A text change in zone requirements; or
  - C. A change in the map, i.e., the zoning designation of a particular parcel or parcels.
234. **Zoning District.** The section of the County for which the regulations governing the height, area, use of buildings and premises are the same as delineated by this Ordinance.
235. **Zoning Map.** The map or maps which are a part of this ordinance and delineate the boundaries of the Zoning Districts.
236. **Zoning Ordinance.** A Zoning Ordinance or resolution controlling the use of land as adopted by Murray County.
237. **Zoning Permit/Certificate.** A document issued by the Zoning Administrator or his/her authorized representative to permit construction or the establishment of but not limited to all buildings, building additions, decks, structures, towers, basements, earth excavations, shoreland repairs, and vegetation alterations, sewer systems, mobile homes, trailer houses, all farm buildings, grain bins, corn cribs, silos, feed rooms, milk rooms, etc., which acknowledges that such use, structure or building complies with the provisions of this Zoning Ordinance or authorized variance there from.