

## CHAPTER 4: RULES AND DEFINITIONS

### SECTION 4.1 RULES

#### Interpretation of Terminology:

- 4.1.1 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.
- 4.1.2 The word "person" shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 4.1.3 The word "shall" is mandatory and not discretionary.
- 4.1.4 The word "may" is permissive.
- 4.1.5 The word "lot" shall include the word "plot", "piece", and "parcel."
- 4.1.6 The masculine gender includes the feminine and neuter genders.
- 4.1.7 All distances, unless otherwise specified, shall be measured horizontally.

### SECTION 4.2 DEFINITIONS

**Access Drive.** A point of entry or exit to a land use, including residential, commercial, or industrial, but not including agricultural, and which meets the performance standards specified within each district and is privately owned and maintained.

**Accessory Structure.** A structure subordinate to and serving the principal use of a structure on the same lot and customarily incidental thereto.

**Accessory Use.** A use subordinate to and serving the principal use of a structure on the same lot and customarily incidental thereto.

**Agricultural Building.** Any building or structure existing or erected on a farm, except dwelling units.

**Aggregated Project- WECS.** Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

**Agricultural Land.** This term means a contiguous acreage of ten acres or more, primarily used during the preceding year for agricultural purposes. Agricultural use may include pasture, timber, waste, unusable wild land, and land included in state or federal farm programs. Real estate of less than ten acres used principally for raising or cultivating agricultural products, shall be considered as agricultural land, if it is not used primarily for residential purposes.

**Agricultural Use.** The use of land for the growing or production of field crops or other cash crops, orchards, the raising of livestock, and livestock products for the production of income. For purposes of this definition, the following terms are defined as:

1. field crops shall include but not be limited to corn, soybeans, hay, oats, rye, wheat, fruit, vegetables, or other products suitable for human or animal consumption;
2. livestock shall include but not be limited to dairy and beef cattle, hogs, poultry, horses, sheep, game birds, or other animals as determined by the Planning Commission;
3. livestock products shall include but not be limited to milk, cheese, butter, eggs, meat, fur and honey.

**Airport.** Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any adjacent land or structure used or intended for use for port buildings or other port structures on rights-of-way.

**Animal Feedlot.** See Exhibit K Amended 6/9/09

**Animal Manure.** See Exhibit K Amended 6/9/09

**Animal Unit.** See Exhibit K Amended 6/9/09

**Applicant.** Any person who wishes to obtain a zoning permit, conditional use permit, variance, rezoning, or subdivision approval.

**Appurtenance.** A structure subordinate to and serving the principal structure on the same lot and customarily incidental thereto such as garages, decks, signs, docks, and stairway lifts, except that appurtenance does not include private water supply and subsurface sewage treatment systems.

**Bar.** An area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and which the serving of food is only incidental to the consumption of such beverages. A "bar" for the purpose of this definition does not include any establishment where tobacco smoke can filter into any area where

smoking is prohibited through a passageway, ventilation system, or any other means. A "bar" for the purpose of this ordinance shall not include any area where full meals are served, but may include the service of appetizers and snacks.

**Basement.** Any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all four (4) sides, regardless of the depth of excavation below ground level.

**Board of Adjustment.** An officially constituted quasi-judicial body appointed by the County Board whose principle duties are to hear appeals from decisions of the Zoning Administrator and, where appropriate, grant variance from the strict application of this Ordinance.

**Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen percent (18%) over a distance of fifty (50) feet or more shall not be considered part of the bluff):

1. Part or all of the feature is located in a shoreland area.
2. The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody.
3. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater.
4. The slope must drain toward the waterbody.

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

**Building.** Any structure 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 building so separated shall be deemed a separate building.

**Building, Height.** The vertical distance between the highest adjoining ground level at the building or ten (10) 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.

**Building Setback Line.** A line parallel to the street right-of-way, lot line, or ordinary high water level at any story level of a building and representing the minimum distance which all or any part of the building is set back from said lines.

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

**Camouflage Design.** A tower that is disguised, hidden or screened, but remains recognizable as such. The design must be compatible with the year round historical, environmental and cultural character of the area.

**C-BED Project.** A C-BED Project is a Community Based Energy Development Project that must have local owners; no single owner may be allowed to own more than 15 percent of a project; must have a local resolution of support; and the Power Purchase Agreement must ensure levelized cash flow to the project owners. Based on their total name plate generating capacity, C-BED Projects are considered Micro-WECS, Non-Commercial WECS or Commercial WECS as defined in this Chapter 21.

**Certificate of Compliance.** See Exhibit K Amended 6/9/09

**Certificate of Occupancy.** A letter issued by the County Zoning Administrator following the erection of a new building, the alteration of an existing building, or the placement of a building on a lot, indicating that it has been completed in conformity with the provisions of this ordinance.

**Change in Operation.** An increase beyond the permitted maximum number of animal units, an 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 or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

**Channel.** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

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

**Clear Cutting.** The removal of the major portion of a stand of timber.

**Club or Lodge.** A club or lodge is a non-profit association of persons who are bona fide members paying annual dues and the use of the premises is restricted to members and their guests.

**Co-Location.** The placement an antenna by two (2) or more service providers on a tower, building or structure.

**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 40 kW but less than 5,000 kW (5 MW) in total name plate generating capacity.

**Comprehensive Plan.** 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 County or any portion of the County.

**Conditional Use.** A land use or development as defined by Ordinance that would be inappropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the Zoning Ordinance exist; (2) the use or development conforms to the comprehensive land use plan of the County; and (3) is compatible with the existing neighborhood.

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

**Corrective or Protective Measure.** A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot or other potential pollutant source to a level in conformity with MPCA rules.

**County.** Dodge County, Minnesota.

**County Board.** Includes the County Commissioners, the Board of County Commissioners, the County Board or any other word or words meaning the Dodge County Board of Commissioners.

**Crosswind Spacing- WECS.** The horizontal distance measured between individual WECS towers located within a string of towers.

**Deck.** A horizontal, unenclosed platform with or without attached railings, seat, trellises, or other features attached or functionally related to a principal use or site.

**Demolition Debris.** Solid waste resulting from the demolition of buildings, roads, and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos wastes.

**Demolition Debris Land Disposal Facility.** A site used to dispose of demolition debris not considered to be clean fill. *\*\*Amended 2/27/96*

**Demolition Debris Land Disposal Facility (Clean Fill).** A site used for the disposal of clean fill from demolition sites, as defined by the Dodge County Solid Waste Ordinance.

**Detention Facility.** A permanent natural or man-made structure, including wetlands,

for the temporary storage of runoff which contains a permanent pool of water.

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

**Districts.** A section or sections of the County for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

**DNR Commissioner.** The Commissioner of the Department of Natural Resources.

**Dodge County Landfill Site.** Property Description: West 40 acres of the south 2/3 of the NW ¼ of Section 28, T107N, R16W. Subject to easements of records. See certificate of survey by: Zenk Engineering, Inc. Dated 10/26/84. *\*\*Amended 2/27/96*

**Domestic Fertilizer.** See Exhibit K Amended 6/9/09

**Downwind Spacing- WECS.** The horizontal distance measured between strings of WECS towers.

**Dredging.** To enlarge or clean-out a waterbody, watercourse, or wetland.

**Drive-up Business.** Any area or structure used for selling goods or services to the public where parking is provided to the public.

**Dwelling Unit.** Any building, including mobile homes, with provisions for living, sanitary and sleeping facilities. Camper trailers, camper buses, recreational vehicles and tents are not considered dwelling units.

**Easement.** Authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.

**Essential Services.** Overhead or underground electrical, gas, communication, hydrocarbon, steam or water transmission, distribution or collection system, operated by any utility company or government agency *or as are required for protection of the public health, safety or general welfare.* Specifically, this includes "Essential Service Lines" and "Essential Service Structures" as defined below. "Essential Services" does not include any buildings, wireless telecommunication facilities, towers or antennas.

**Essential Service Line.** Any primary or subsidiary conductor designed or utilized for the provision or maintenance of essential services including any pole, wire, drain, main, sewer, pipe, conduit, cable, fire hydrant, fire alarm box, police call box, right-of-way, but not including any building, tower, or other structure.

**Essential Service Structure.** Any pertinent structure required to be on line to accommodate the proper provision or maintenance of essential services, including any electric substation, water tower, sewage lift station, gas re-distribution station or other similar facility.

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

**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.

**Fair.** Public or private event that includes all of the following; exhibitions, buying and selling of goods, competitions, games, and other entertainment.

**Fairgrounds.** Property owned or leased by an Agricultural Society or Association as described in Minnesota Statutes 38.01 which is primarily used for outdoor fair or exhibitions.

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

**Farm.** A tract of land or lands, which is primarily used for agricultural activities such as the production of cash crops, livestock or poultry farming. A farm may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm. The operation must meet the definition of a farm as cited by the U.S. Dept. of Agriculture, Census of Agriculture. See Exhibit J *Amended 4/27/04*

**Feeder Line- WECS.** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

**Fence.** A fence is defined for the purpose of this Ordinance as a partition, structure, wall or gate erected as a dividing mark, barrier or enclosure and located along the boundary, or with the required yard.

**Fill.** Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, or transported and shall include the conditions resulting there from.

**Final Plat.** A drawing or map, in final form, showing a proposed subdivision, containing all information and detail required by state statutes and by 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 channel or beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. Flood plain areas within Dodge County shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.

**Floodway.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

**Floor Area.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or of the center line of walls separating two buildings and shall include basement floor area except for porches, balconies, breezeways, and attic areas having a head room of less than 7'6".

**Floor Area Ratio.** The numerical value obtained through dividing the floor area of a building or buildings by the lot area on which such building or buildings are located.

**Forest Land Conversion.** The clear cutting of forest lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.

**Garage - Private.** A detached or attached accessory building or carport which is used primarily for storing passenger vehicles, trailers, or trucks.

**Garage - Public.** A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil and accessories are only incidental to the principal use.

**Generator Nameplate Capacity.** The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.

**Government Owned Lands and Public Facilities.** Land owned by a federal, state or local government which is held for public use and/or provides a public service. *Government Owned Lands and Public Facilities* within Dodge County include public parks, trails and recreation areas, historical sites, wildlife and waterfowl management areas, township halls, maintenance shops and facilities, emergency service equipment and facilities, the Dodge County Fairgrounds, Transfer Station, Recycling Center, recycling depots, Landfill, yard waste management sites, Sheriff's impound lot, and Highway maintenance facilities.

**Guyed Tower.** A tower that is supported, in whole or in part, by wires and ground anchors.

**High-Voltage Transmission Line.** A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts (100 kV) or more and is greater than 1,500 feet in length.

**Home Occupation.** Any occupation or business use, full or part time, conducted within a dwelling or an accessory structure, or both, by a resident of the property.

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

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

**Industrial Use.** The use of land or building(s) for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

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

**Junk Yard or Salvage Yard.** Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles, provided further that the storage of five (5) or more inoperative or unlicensed motor vehicles for a period in excess of three (3) months shall also be considered a junk yard.

**Kenel.** Any structure or premises on which three (3) or more of any type of domestic animals over four (4) months of age are kept for sale, breeding, profit, or boarded for a fee.

**Kilovolt (kV).** A kilovolt is equal to one thousand volts (V).

**Kilowatt (kW).** A unit of electrical power equal to one thousand watts.

**Land Disturbing or Development Activities.** Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

**Lagoon.** A biological treatment system designed and operated for biodegradation, converting organic matter in animal wastes to more stable end products. This system is differentiated from a storage facility by design in that it is a system that reduces the amount of material that needs to be removed. A lagoon is also more of a long term

facility versus the more short term storage facility.

**Lattice Tower.** A self-supporting tower constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

**Lot.** Lot means 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 area of a horizontal plane within the lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

**Lot, Corner.** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

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

**Lot, Interior.** A lot, other than a corner lot, including through lots.

**Lot, Line.** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting public right-of-way, the lot line shall be deemed to be the public right-of-way.

**Lot, Through.** A lot fronting on two (2) parallel roads.

**Lot, Width.** The shortest horizontal distance between the side lot lines measured at right angles to the lot depth and at the building setback line.

**Lot of Record.** A platted lot or a parcel of land described by metes and bounds or by a registered land survey which has been recorded in the Office of the Register of Deeds and conformed to the lot size requirements of the zoning ordinance in effect at the time of recording.

**Lowest Floor.** The lowest floor of the lowest enclosed area (including basement).

**Major Essential Service – Transmission**

Any Essential Service Line and/or Essential Service Structure providing station to station transmission of essential services not intended for enroute consumption. This includes, but is not limited to, electric power lines with a voltage greater than 34.5 kV, telephone lines, telegraph lines, cables, or conduits which are used to transport bulk amounts of gas, liquids, or solids in suspension between two points.

**Manufactured Home.** A structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, and when erected on site is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the statutory standards established.

**Manufactured Home Stand.** The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures, or additions.

**Manure Storage Area.** See Exhibit K Amended 6/9/09

**Manure Storage Facility.** A permanent site used in conjunction with an animal feedlot on which animal manure or run-off containing animal manure is stored until it is utilized as domestic fertilizer or removed to a permitted animal manure disposal site.

**Megawatt (MW).** A megawatt is equal to one million watts.

**Meteorological Tower (Met Tower).** Those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

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

**Micro-WECS.** Micro-WECS are WECS of 1 kW nameplate generating capacity or less with a total height of 40 feet or less.

**Migrant Camp.** This shall be one or more buildings or structures, tents, or vehicles, together with the tract of land on which they are situated, that are used as living quarters by seasonal or temporary migrant agricultural workers.

**Minor Essential Service – Distribution**

Any Essential Service Line and/or Essential Service Structure providing distribution of an essential service between a Major Essential Service (Transmission) and the customers of a utility company or government agency.

**Monopole.** A type of tower mount that is self-supporting through a single shaft usually constructed of wood, metal or concrete that is securely anchored to a foundation.

**MPCA.** The Minnesota Pollution Control Agency.

**National Pollutant Discharge Elimination System Permit (NPDES).** A permit issued by the MPCA for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.

**Native Prairie Plan .** A plan that addresses the steps to be taken to identify native prairie within a proposed project area, measures to avoid impacts to native prairie, and measures to mitigate for impacts if unavoidable. No actions that may impact native prairies shall be allowed unless addressed in the Native Prairie Plan. Unavoidable impacts shall be mitigated/addressed by the means agreed to by the permittee, DNR and Dodge County.

**Non-Commercial WECS.** A WECS of less than 40 kW and greater than 1 kW in total name plate generating capacity.

**Nonconformity.** A use, structure, or parcel of land lawfully in existence, recorded, or authorized before the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

**Non-riparian Lot.** A lot which has no area fronting a surface water feature.

**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 flood plain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.

**OFFSET.** The Odor From Feedlots Setback Estimation Tool developed by the University of Minnesota. The OFFSET odor evaluation model as developed, and amended, by the University of Minnesota Department of Biosystems and Agricultural Engineering. Amended 6/9/09

**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 terrestrial. For watercourses, it is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

**Off-Street Loading Space.** A space accessible from the street, alley or way, in a

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

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

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

**Pastures.** Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.

**Permit.** The granting of authority by governmental body to conduct certain activities and which may include a certificate of compliance.

**Permittee.** Any individual, firm, partnership, association, cooperation, or organization of any kind to whom a permit is issued.

**Permitted Use.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such district.

**Person.** An individual, firm, partnership, association, cooperation, or organization of any kind.

**Potential Pollution Hazard.** See Exhibit K Amended 6/9/09

**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.

**Predominant Wind Axis.** The alignment in which the wind blows the majority of the time (Typically North – South)

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

**Principal Use.** The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

**Private Nuisance.** Something that affects an individual's right to enjoyment of some property or activity, but does not necessarily affect the community as a whole.

**Private Road.** A road which is not dedicated to the community for public use and serves a single dwelling.

**Project Boundary- WECS.** 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 landowner.

**Protective Covenant.** A contract between parties which constitutes a restriction on the use of property for the benefit of the owners.

**Public conservation lands.** Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations

**Public Nuisance.** An activity ( or failure to act in some cases) that unreasonably interferes or obstructs a right that is conferred on the general public. A public nuisance may also exist where there is a condition that is dangerous generally to members of the public or is in some way offensive to accepted community standards.

**Public Road.** A public easement which affords a primary means of access to abutting property.

**Public Uses.** Uses or lands owned or operated by a municipality, school districts, county, state, or other governmental units.

**Public Utility.** Any organization which provides services to the general public, although it may be privately owned. Public utilities include electric, gas, telephone, water and television cable systems.

**Public Waters.** Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

**Reasonable Manner.** In a way that any person with an ordinary degree of reason, prudence, care, foresight, or intelligence would not object to.

**Recreational Vehicle.** 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 temporary living quarters for recreations, camping, travel or seasonal use. For the purposes of this Ordinance, the term

"recreational vehicle" shall be synonymous with the terms "travel trailer/travel vehicle".

**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 magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" and "100-year flood" used in the Flood Insurance Rate Map and Section 15 of this Ordinance.

**Regulatory Flood Protection Elevation (RFPE).** The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) 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.

**Restaurant.** Any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere.

**Retail Sales.** Stores and shops selling personal services or goods.

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

**Riparian Lot.** A lot with area fronting a surface water feature.

**Rotor Diameter (RD).** The diameter of the circle described by the moving rotor blades.

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

**Secondary Wind Axis.** The alignment in which the wind blows subordinate to the alignment of the primary wind axis. Typically the East-West axis.

**Sediment.** Solid matter carried by water, sewage, or other liquids.

**Semi-public Uses.** 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 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.

**Service Area.** Territory in which a utility is require to, or has the right to, supply service to customers.

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

**Sewage.** The 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 waste water.

**Sewage Treatment System.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in the Dodge County Subsurface Sewage Treatment System Ordinance No. 4, or successor.

**Sewer System, Central.** Any sanitary sewer system, public or private, including pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances serving a group of buildings, lots, or an area of the County and which discharges to a common treatment and disposal structure and meets the County and State Health and Sanitation Regulations.

**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 fifty percent (50%) of the structure setback.

**Shoreland.** Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

**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.

**Sign, Advertising (Billboard).** A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

**Sign, Business.** A sign which directs attention to a business or profession or to a

commodity, service or entertainment sold or offered upon the premises where such sign is located.

**Sign, Flashing.** Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

**Sign, Gross Area of.** The area within the frame shall be used to calculate the gross area except that the width of the frame in excess of 12 inches shall be added thereto. When letters or graphics are mounted without a frame the gross area shall be the area bounded by straight lines 6 inches beyond the periphery of said letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign.

**Sign, Illuminated.** Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign.

**Sign, Nameplate.** Any sign which states the name or address, or both, of the business or occupant of the lot where the sign is placed.

**Sign, Roof.** A device whose supporting structures are affixed to a roof.

**Sign, Rotating.** A sign which revolves or rotates on its axis by mechanical means.

**Sign, Temporary.** A sign allowed for a period of 90 days or less.

**Sign, Wall.** A device whose supporting structures are affixed to a wall or side of a building.

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

**Steep Slope.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

**Story.** The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not a floor above it, the space between the floor and the ceiling above it.

**Story, Half.** That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls are not more than two (2)

feet above the floor of such story.

**Structure.** Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having a location on the ground.

**Structural Alteration.** A 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.

**Subdivision.** A described tract of land which is to be or has been divided into four (4) or more lots or blocks for the purpose of immediate or future transfer of ownership for the purpose of sale or of building development, including the re-subdivision or re-platting of land or lots.

**Substations.** A facility that monitors and controls electrical power flows, uses high voltage circuit breakers to protect power lines and transforms voltage levels to meet the needs of the end users.

**Substantial Damage.** Damage sustained by a structure where the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**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 equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not include:

1. 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.

2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purposes of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1

**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.

**Tavern.** A Tavern shall be defined as an establishment or business whose primary source of income is the sale of alcoholic beverages.

**Telecommunication:** The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

**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 as identified by the Zoning Administrator. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen percent (18%).

**Total Height.** The distance between the ground level at the base of a structure and its tallest vertical extension including any attachment thereon. For WECS, this would be the highest point, above ground level, reached by a rotor tip or any other part of the WECS.

**Total Name Plate Capacity.** The total of the maximum rated output of the electrical power production equipment for a WECS project.

**Tower.** A structure, privately or publicly owned, used for commercial purposes, upon which radio, television, cellular telecommunications, personal communication services, or other communication antennas and /or equipment of a similar nature is mounted, excluding towers, used for business band, citizen's band, amateur radio, personal television reception antennas, or other similar personal uses. This definition does not include wind energy conversion systems or meteorological towers associated with wind energy conversion systems.

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

**Tower Height- WECS.** The total height of the WECS exclusive of the rotor blades.

**Transformers.** Devices that change voltage levels.

**Unincorporated Area.** The area outside an incorporated city, village or borough.

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

**Use, Accessory.** A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

**Variance.** A modification or variation of the strict provisions of this Ordinance, as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship or particular difficulty imposed upon him by this

Ordinance. Economic considerations alone shall not constitute a hardship. A variance shall normally be limited to height, bulk, density and yard requirements.

**Voltage.** A type of "pressure" that drives electrical charges through a circuit.

**Water Oriented Accessory Structures.** Water oriented accessory structure or facility means 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 boat houses, gazebos, screen houses, fish houses, pump houses, and detached decks.

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

**Watt.** Unit of power equal to volts multiplied by amps.

**Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

1. have a predominance of hydric soils;
2. are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
3. under normal circumstances support a prevalence of such vegetation.

**Wind Access Buffer.** Setback from all lands and/or wind rights not under permittee's control with the primary purpose being to protect adjacent rights.

**Wind Energy Conversion System (WECS).** An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy.

**Wind Turbine.** Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

**Wireless Telecommunications Antenna:** The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**Wireless Telecommunications Equipment Shelter:** The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**Wireless Telecommunications Facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**Wireless Telecommunications Tower:** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

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

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

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

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

**Zoning Ordinance.** The Dodge County Zoning Ordinance.