

SECTION 2. DEFINITIONS.

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

- Subd. 1. Abutting. Making contact with or separated only by public thoroughfare, railroad, public utility right-of-way or navigable waters.
- Subd. 2. Accessory Building or Use. A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.
- Subd. 3. Addition. A physical enlargement of an existing structure.
- Subd. 4. Antennas, Accessory and Secondary Use. Any radio and/or television receiving antennas, satellite dishes, television receive only (TVRO) six (6) feet or less in diameter, shortwave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, federally licensed amateur radio stations and television receivers.
- Subd. 5. Antennas, Personal Wireless Service. A device consisting of a metal, carbon fiber, or other electromagnetically conductive rods or elements used for the transmission and reception of wireless communication radio waves, including but not limited to cellular, PCS, ESMR, and paging.
- Subd. 6. Antenna, Public Utility Microwave. A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the supporting structure thereof.
- Subd. 7. Antenna, Radio and Television, Broadcast Transmitting. A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio or television programming, and including the support structure thereof.
- Subd. 8. Antenna, Radio and Television Receiving. A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the supporting structure thereof.
- Subd. 9. Antenna, Satellite Dish. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses, This definition shall include, but not be limited to, what are commonly referred to as

satellite earth stations, TVROs (television, receive only) and satellite microwave antennas.

- Subd. 10. Antenna, Short-Wave Radio Transmitting and Receiving. A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof.
- Subd. 11. Antenna Support Structure. Any pole, monopole, spire, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency or any other similar energy.
- Subd. 11a. Applicant. An owner, agent or person, individual firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest to request a zoning amendment, conditional use permit, variance, site plan review or subdivision of land under this Ordinance.
- Subd. 12. Artificial Obstruction. Any obstruction which is not a natural obstruction (see obstruction).
- Subd. 13. Automobile Repair - Major. General repair, rebuilding or reconditioning engines motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.
- Subd. 14. Automobile Repair - Minor. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding twelve thousand (12,000) pounds gross weight, but not including any operation specified under "Automobile Repair - Major".
- Subd. 15. Automobile Sales. The transfer of title of ownership of automobiles, station wagons, trailers and trucks which are licensed by the State and are capable of movement under their own power. Automobile sales shall not include any operation meeting the definition of an Automobile Wrecking or Junk Yard.
- Subd. 16. Automobile Wrecking or Junk Yard. Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

- Subd. 17. Basement. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- Subd. 18. Bay. Cantilevered area of a room.
- Subd. 19. Best Management Practices (BMP). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. (Examples of BMP's can be found in the current versions of the Minnesota Pollution Control Agency's publications, "Protecting Water Quality in Urban Areas," and, "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands," the United States Environmental Protection Agency's, "Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," (as a reference for BMP's) and the Minnesota Department of Transportation's, "Erosion Control Design Manual.")
- Subd. 20. Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
- A. Part or all of the feature is located in a shoreland area;
 - B. The slope rises at least twenty five feet (25') above the ordinary high water level of the water body;
 - C. The grade of the slope from the toe of the bluff to a point twenty five feet (25') or more above the ordinary high water level averages thirty percent (30%) or greater; and
 - D. The slope must drain toward the water body, wetland or shoreland.
- Subd. 21. Bluff Impact Zone. A bluff, and, only in shoreland districts, land located twenty feet (20') landward from the top of a bluff.
- Subd. 22. Boarding (House) Home - Foster Children. A family dwelling where children out of their own homes are cared for.
- Subd. 23. Boarding House. A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.
- Subd. 24. Boathouse. A structure used solely for the storage of boats or boating equipment.

- Subd. 25. Buildable Area. The portion of a lot remaining after required yards have been provided.
- Subd. 26. Building. Any structure used or intended for supporting or sheltering any use or occupancy, and when said structure is divided by walls without opening, each portion of such building so separated shall be deemed a separate building.
- Subd. 26a Building Elevation, Minimum. The elevation of the lowest floor level of a building.
- Subd. 27. Building Code, Uniform. A code adopted by the State of Minnesota and published by the International Conference of Building Officials to provide jurisdictions with building-related standards and regulations.
- Subd. 26. Building Line. A line parallel to a lot line or the ordinary high waer level at the required setback beyond which a structure may not sxtend.
- Subd. 27. Building or Structure Height. The vertical distance above the average grade around a structure, measured within a five foot horizontal distance from the exterior wall of the structure, to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the average height between the eave and the ridge of the gable, hip or gambrel roof.
- Subd. 28. Bulk Station. Distributors warehouses for materials which are stored in tanks above ground in aggregate capacity on the site of 6,000 gallons or more.
- Subd. 29. Burrow. A burrow is earth material acquired from an off-site location for use in grading on a site.
- Subd. 30. Business. Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold or where services are offered for compensation.
- Subd. 31. Carport. A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open on one (1) or more sides.
- Subd. 32. Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.
- Subd. 33. Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

- Subd. 34. Class I Accessory Home Occupations. Any occupation or profession engaged in by the occupants of the dwelling when conducted within said dwelling, provided that evidence of the occupation is not visible from the street. The home occupation shall only be engaged by the occupants of the premises; it must not occupy more than twenty-five percent of the gross floor area of the dwelling; there must be no patrons visiting the premises; and it must not require delivery of products other than those delivered by private passenger vehicle.
- Subd. 35. Class II Conditional Use Home Occupations. Any occupation or profession engaged in by the occupants of the dwelling when conducted within said dwelling, provided that evidence of the occupation is not visible from the street. The primary business activity shall be conducted by an occupant of the residence; one person not residing in the residence may be employed to assist in the business activity; it may not occupy more than thirty-three percent of the floor area of the dwelling; it must have a limited number of patrons visiting the premises; off-street parking for no more than two additional vehicles other than those required by the occupants (on-street parking can not be used to satisfy this requirement); and delivery of products to the premises more than once per day is not permitted.
- Subd. 36. Clear-Cutting. The removal of an entire stand of trees.
- Subd. 37. Clearing and Grubbing. Clearing and grubbing is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
- Subd. 38. Club or Lodge. A club or lodge is a non-profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests.
- Subd. 38a Collector Street. Relatively low-speed, low-volume street that provides circulation within and between neighborhoods. Collectors usually serve short trips and are intended for collecting trips from local streets and distributing them to the arterial network.
- Subd. 39. Commercial Recreation. Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, tavern, theater, fire arms range, boat rental, amusement rides, campgrounds, park, and similar uses.
- Subd. 40. Commercial Use. The principal use of land or buildings for the sale, lease, rental or trade of products, goods, or services.
- Subd. 41. Composting. Every householder or owner, occupant or tenant of any premises who composts yard waste shall do so in an environmentally sound

manner. Composting will be allowed only on properties where there is located a single family detached dwelling or property operated by the City as an essential service.

- Subd. 42. Comprehensive Plan. A comprehensive plan prepared by the City and as amended from time to time, including the Downtown Master Plan and Design Guidelines, as adopted by the City Council on July 17, 2001, that includes a compilation of policy statements, goals, standards, and maps indication the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City. It shall have the same meaning as "comprehensive municipal plan" in the law.
- Subd. 43. Conditional Use. A use, which because of special problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the municipal land use plan. A use for which a conditional use permit must be issued prior to its establishment.
- Subd. 44. Conditional Use Permit. A permit issued by the City Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
- Subd. 45. Condominium. A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes, Sections § 515.01 to § 515.19.
- Subd. 46. Containment Structure. All composting materials shall be contained in a structure constructed of durable material such as rot resistant wood, block, study metal fencing or in commercially fabricated compost bins designed to contain composting material. Unless the composting structure is a commercial product partially manufactured for composting purposes, the composting structure shall be no smaller than 3 feet by 3 feet by 3 feet but shall not exceed 5 feet in width, 12 feet in length and 5 feet in height.
- Subd. 47. Containment Structure Location. Composting containment structures shall be at least 40 feet from an inhabited building not owned by the generator of the compost material, 6 feet from any City park or trail and shall otherwise be located in compliance with the Zoning Code requirements for accessory structure.
- Subd. 48. Convenience Food Establishment. An establishment which serves food individually wrapped in or on disposable containers in individual servings.

- Subd. 49. Cooperative (Housing). A multiple family dwelling owned and maintained by the residents and subject to the provisions of MS § 290.09 and § 290.13. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.
- Subd. 49a. County. The offices of the government of Hennepin County.
- Subd. 50. Court. An unoccupied open space other than a yard which is bounded on two (2) or more sides by the walls of the buildings.
- Subd. 51. Day Care. The care of children outside of their own homes for a part of the 24 hour day by persons unrelated to them by blood or marriage. Day Care includes family day care, group family day care, and care in group-day-care centers.
- Subd. 52. Day Care - Family. A program providing day care for no more than five children at one time, including the family-day-care provider's own children under school age.
- Subd. 53. Day Care - Group Nursery. A program providing day care for more than five but fewer than eleven children at any one time, including the provider's or helper's own children under school age.
- Subd. 54. Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet (3') above ground.
- Subd. 55. Demolition. Demolition is any act or process of wrecking or destroying a building or structure as defined in the City of Long Lake Building Code, Chapter 117, Wrecking.
- Subd. 56. Detention Facility. Detention facility is a temporary or permanent natural or manmade structure that provides for the temporary storage of storm water runoff.
- Subd. 57. Department Store. A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.
- Subd. 58. Design Review Board. An advisory board of the Planning Commission established for the purpose of reviewing design standards in the City of Long Lake for the purpose defined in the Design Review Board ordinance adopted herein as a reference and as modified from time to time by the Planning Commission and the City Council.

- Subd. 59. Design Review Standards. Standards adopted by the Design Review Board incorporated as a reference herein and as amended from time to time by the Planning Commission and the City Council of Long Lake.
- Subd. 60. District. A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
- Subd. 61. Diversion. A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.
- Subd. 62. Dock. A seasonal water-oriented accessory structure or walkway extended from the ordinary high water level into the bed of public waters for access to open water and anchorage of water craft.
- Subd. 63. Dog Kennel. Any place where three (3) dogs or more over three (3) months of age are boarded bred and/or offered for sale, except a veterinary clinic.
- Subd. 64. Downtown Village Area. The historic downtown area of the City of Long Lake as described within the “Village Boundary Area” of the Comprehensive Plan.
- Subd. 65. Draining. The removal of surface water or ground water from land.
- Subd. 66. Dredging. To enlarge or clean-out a waterbody, watercourse, or wetland.
- Subd. 67. Drive-In Establishment. An establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.
- Subd. 68. Dwelling. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, motels, boarding houses, and the like.
- Subd. 69. Dwelling, Accessory. A separate dwelling, requiring a conditional use permit, constructed on an undivided single family lot for the sole use by the occupants of the principal building, including their relatives and non-paying guests. All regular lot requirements of the zoning district shall be met by the accessory dwelling unit.
- Subd. 70. Dwelling, Multiple (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

- Subd. 71. Dwelling, Single Family. A dwelling unit designed exclusively for occupancy by one (1) family.
- A. Attached. A dwelling which is joined to another at one or more sides by a party wall.
 - B. Detached. A dwelling unit not attached to another dwelling or structure.
- Subd. 72. Dwelling, Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
- A. Double Bungalow. A two-family dwelling with two (2) units side by side.
 - B. Duplex. A two-family dwelling with one (1) unit above the other.
- Subd. 73. Dwelling Unit. A residential building or portion thereof intended for occupancy by one (1) family but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.
- Subd. 74. Efficiency Apartment. A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets or dining alcove.
- Subd. 75. Encroachment. Features which are part of a principal structure but are not occupiable space, including but not limited to eaves, cantilevered areas, cornices, canopies, awnings, decks, balconies, steps, ramps, fire escapes, and chimneys which may extend into the required building setbacks.
- Subd. 76. Erosion. Erosion is the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.
- Subd. 77. Erosion and Sediment Control Plan. Erosion and sediment control plan is a plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed.
- Subd. 78. Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Transmission reception support structures and antennas shall not be considered an essential service.

- Subd. 79. Excavation. Excavation is the displacement or removal of the sediment or other materials from the beds of protected waters by means of hydraulic suction or mechanical operations.
- Subd. 80. Family. An individual or two (2) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than two (2) persons not so related maintaining a common household and using common cooking and kitchen facilities.
- Subd. 81. Fence. A fence is defined for the purpose of this Ordinance as any partition, structure, wall, gate, or posts erected as a dividing marker, barrier, or enclosure and located along the boundary or within the required yard.
- Subd. 82. Fill. Fill is any material placed or intended to be placed by artificial means
- Subd. 83. Filling. The act of depositing any rock, soil, gravel, sand or other material so as to fill or partly fill a waterbody, watercourse, or wetland in an area other than its site of origin.
- Subd. 84. Final Erosion and Sediment Control Plan. Final erosion and sediment control plan is a plan which includes permanent measures and Best Management Practices to control surface runoff and control sediment if not included in the Erosion and Sediment Control Plan (Plan).
- Subd. 85. Flood Fringe. That portion of the flood plain outside of the floodway.
- Subd. 86. Flood Plain. The channel or beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood. Flood plain areas within Long Lake shall encompass all areas designated as Zone A, Zone AE, Zone AO, or Zone AH on the Flood Insurance Rate Map.
- Subd. 87. Floodway: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain that are reasonably required to carry or store the regional flood discharge.
- Subd. 88. Floor Area. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.

- Subd. 89. Garage - Private. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles and trucks not exceeding 12,000 pounds gross weight of the family or families resident upon the premises and in which no business, service, or industry is carried on.
- Subd. 90. 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 is only incidental to the principal use.
- Subd. 91. Garage Sale. Any display of used goods and/or salesmen's samples and sale of said goods on a property customarily used as a residence. The person conducting the sale shall be residents of the immediate neighborhood.
- Subd. 92. General Storm Water Permit. A general storm water permit is the Minnesota Pollution Control Agency's (MPCA) general National Pollutant Discharge Elimination System (NPDES) construction storm water permit covering anyone conducting a land disturbing activity which disturbs five (5) or more acres of total land area.
- Subd. 93. Grade. The grade is the vertical location of the ground surface.
- (1) Existing grade is the grade prior to grading.
 - (2) Rough grade is the stage at which the grade approximately conforms to the approved plan.
 - (3) Finish grade is the final grade of the site which conforms to the approved plan
- Subd. 94. Grading. Changing the natural or existing topography of land.
- Subd. 95. Ground Level. The average elevation of the finished ground surface measured within 5 feet of the foundation of a building, except ground level related to height of building shall be measured at center of building facing the front of the lot.
- Subd. 96. Guest Room. A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking but not including rooms in a dormitory for sleeping purposes primarily.
- Subd. 97. Hard Cover. Any structure, blacktop or other material which interferes to any degree with the direct absorption of rainfall into the ground, and/or which air or roots cannot penetrate.
- Subd. 98. Hotel. Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more guests

rooms, used, designated or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Subd. 99. Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Subd. 99a. Industrial Service Street. A roadway that is designed to serve as the primary roadway serving property that is zoned I-1 or I-2 and designated for industrial land uses in the Comprehensive Plan.

Subd. 100. Intensive Vegetation Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Subd. 101. Intermittent. A stream or portion of a stream that flows only in direct response to precipitation.

Subd. 102. Issuing Authority. The issuing authority is the City Engineer/Director of Public Works of the City of Long Lake and their duly authorized designees.

Subd. 103. Land Disturbance Activity. Land disturbance activity is any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Long Lake, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbance activity does not include the following:

- (1) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs, and maintenance work which do not disturb more than five hundred (500) square feet of land.
- (2) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (3) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized.

Subd. 104. Land Reclamation. The process of the re-establishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.

Subd. 105. Library. A public institution established for collection and lending without charge of printed materials to members of the public; the building where such collection and lending occurs.

Subd. 106. Lift. A mechanical device used to lift a boat from the water.

Subd. 107. Light Manufacturing. Light industrial are uses that are low impact and advanced technology uses which produce little or no noise, odor, vibration, glare or other objectionable influences and which have little or no adverse effect on surrounding properties when manufacturing or assembling a wide variety of products for sale to retailers or directly to the public. Light industrial uses do not include processing of raw materials or production of primary materials, nor does processing occur outside of an enclosed structure.

Subd. 107a. Local Street. A street which provides access to abutting land.

Subd. 108. Lodging House. A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.

Subd. 109. Lot. Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under the provisions of this zoning regulation, having not less than the minimum area required by this Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street.

Subd. 110. Lot Area. The area of a lot in a horizontal plane bounded by the lot lines, but not including any area occupied by the waters of a duly recorded lake or river or area frequently under water or a designated wetland as defined in the Wetlands Classification Act adopted as a reference herein and as amended from time to time by the State of MN for an area which has been dedicated as a public right-of-way which serves as a watercourse draining higher land on which sustains emergent aquatic growth or area which has been dedicated as public right-of-way.

Subd. 111. 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 single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

Subd. 112. Lot, Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Subd. 113. Lot, Front. The front of a lot shall be, for purposes of complying with this Ordinance, that boundary abutting a public right-of-way.

Subd. 114. Lot, Interior. A lot, other than a corner lot, including through lots.

Subd. 115. 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 street or alley, the lot line shall be deemed to be the street or alley right-of-way.

- Subd. 116. Lot Line - Front. Any boundary of a lot which abuts an existing or dedicated public street.
- Subd. 117. Lot Line - Rear. That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- Subd. 118. Lot Line - Side. A boundary of a lot which is not a front lot line or a rear lot line.
- Subd. 119. Lot, Double Frontage. A lot fronting on two parallel or non-intersecting streets.
- Subd. 120. Lot, Width. The minimum required horizontal distance between the side lot lines measured at right angles to the lot depths at the front setback line.
- Subd. 121. Lowest Floor: The lowest floor of the lowest enclosed area (including basement).
- Subd. 122. Manual of Standards. A manual of standards is a compilation of technical standards and design specifications adopted by the City of Long Lake Department of Public Works as being proven methods of controlling construction related surface runoff, erosion and sedimentation. This includes the Erosion and Sediment Control Manual as developed by the Hennepin Conservation District of Hennepin County, 1989, and subsequent amendments thereto, and Protecting Water Quality in Urban Areas prepared by the Minnesota Pollution Control Agency (MPCA), 1989, and subsequent updates.
- Subd. 123. Manufactured Home: 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.”
- Subd. 124. Materials Allowed in Containment Structure. Only acceptable materials generated from the legal boundaries of the containment structure shall be allowed into the containment structure. “Acceptable materials” as used herein means plant material consisting of grass clippings, leaves, weeds, small twigs (1/4 inch in diameter or less), evergreen cones and needles, wood chips, herbaceous garden debris and commercial ingredients (mixed into the composting material) specifically designed to speed or enhance decomposition.
- Subd. 124a. MCWD- The Minnehaha Creek Watershed District.

- Subd. 125. Medical and Dental Clinic. A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.
- Subd.126 Menu Board. An accessory use for a drive-through facility listing the products available for purchase by drive-through customers.
- Subd. 127. Mini Storage. Establishment consisting of multiple rental storage units.
- Subd. 127a. Minor Arterial. A roadway that carries a mix of local and through traffic. It links Collectors, and sometimes Local Streets, with Principal Arterials and is designed with greater emphasis on traffic movement than on providing access to abutting land.
- Subd. 127b. Mn/DOT – The Minnesota Department of Transportation.
- Subd. 127c. MnDNR – The Minnesota Department of Natural Resources.
- Subd.128. Mixed Use: The development of property into two or more different uses such as residential, commercial and industrial or residential developments with different types of dwelling units. Mixed uses may occur within one or several buildings on a site.
- Subd. 129. Motel/Motor Hotel. A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the buildings or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.
- Subd. 130. Motor Fuel Station. A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.
- Subd. 131. Motor Freight Terminal (Truck Terminal). A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.
- Subd. 132. Natural Drainage System. All land surface areas which by nature of their contour configuration, collect, store and channel surface water run-off.
- Subd. 133. Natural Obstruction. Means any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.

- Subd. 134. Non-Conforming Structure or Use. Any structure or use which on the effective date of this ordinance, and its subsequent amendments, does not, even though lawfully established, conform to the applicable conditions if the structure was or use was to be erected under the guidance of this Ordinance.
- Subd. 135. Normal High Water Mark. A continuous mark of reference at an elevation where land and water meet for some period of record; is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
- Subd. 136. Noxious Matter or Materials. Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.
- Subd. 137. Nursery-Day. A use where care is provided for pay for 3 or more children under kindergarten age for periods of 4 hours or more per day.
- Subd. 138. Nursing Home (Rest Home). A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.
- Subd. 139. Obstruction (Flood Plain). Any storage of material, or equipment, any dam, wall, wharf, embankment, levee, road, dike, pile, abutment, projection, excavation, channel rectification culverts building, wire, fence, stockpile, refuse, fill, deposit, clearing of trees or vegetation, structure or matter in, along, across, or projecting, in whole or in part, into any flood plain.
- Subd. 140. Off-Street Loading Space. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.
- Subd. 141. 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.
- Subd. 142. Ordinary High Water Level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

- Subd. 143. Out-Patient Care. Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.
- Subd. 143a. Outside Display and Sales of Retail Merchandise, Seasonal. Retail merchandise that is sold and displayed outside of a principal building and the area covered by a connected permanent roof on a seasonal basis that is associated with the principal building on the same property and clearly accessory to the primary commercial use of the property, as distinguished from Subd. 141 Open Sales Lots, and regulated by the standards of the zoning district of the property. The retail merchandise is limited to items sold on the premises and does not include any transient sales. This definition shall not include the sale of food products of a farm or garden occupied and cultivated by the seller.
- Subd. 144. Overburden. The earth, rock and other materials that lie above a natural deposit of mineral.
- Subd. 145. Park. A piece of land expressly designated for recreational use by the public, and owned and maintained by a public entity.
- Subd. 146. Parking Space. An area, enclosed in the main building, in an accessory building, or un-enclosed, sufficient in size to store one (1) automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.
- Subd. 147. Patio. An in ground surface of paving or wood materials, not attached to the main structure.
- Subd. 148. Performance Standard. Criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.
- Subd. 149. Permitted Use. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.
- Subd. 150. Person. An individuals firm, partnerships association, corporation or organization of any kind.
- Subd. 151. Place of Worship. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

- Subd. 152. Planned Unit Development (PUD). "Planned unit development" means a type of development characterized by unified site design for a number of 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, apartments buildings, and conversions of structures and land uses to these uses.
- Subd. 153. Porch. An open or enclosed room attached to the outside of a building, typically at an entrance.
- Subd. 153a. Principal Arterial. A roadway that serves the major portion of through-traffic entering and leaving the urban area and is designed to carry the highest traffic volumes. Some access is provided to abutting land, but the primary function of a Principal Arterial roadway is to carry through traffic.
- Subd. 154. 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.
- Subd. 155. Public Uses. Uses owned or operated by municipals school districts, county, state or other governmental units.
- Subd. 156. Public Utilities. Underground or overhead gas, electrical, steam or wafer transmission or distribution systems, collection, communication, supply or disposal systems including poles, wires, mains, drains, pipes, sewers, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or major structures located above ground level.
- Subd.157. Recreation Field, Building or Use. An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public and semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Ordinance.
- Subd. 158. Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest 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 recreational, camping, travel, or seasonal use. The term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

Subd. 159. Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably 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 on the Flood Insurance Rate Map.

Subd. 160 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.

Subd. 161. Restaurant. An establishment which serves food to be consumed primarily while seated at tables or booths within the building.

Subd. 161a. Retail Merchandise. Goods and products sold in small quantities directly to the consumer within commercial establishments, excluding automobile sales as defined elsewhere in this ordinance. Examples of retail merchandise include apparel, health and beauty products, food, appliances, furniture, tools, hardware, toys, and sporting goods.

Subd. 162. Retention Facility. A retention facility is a temporary or permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Subd. 163. Riparian Lot. Any lot falling within 200 feet of a lake or shoreline.

Subd. 163a. Road. An improved corridor and associated boulevard that provides access to abutting properties for vehicles and pedestrians or carries traffic and may otherwise be defined as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place, etc.

Subd. 163b. Road, cul de sac. A local road that is designed with only one outlet and ends in a temporary or permanent vehicle turnaround area.

Subd. 164. Runoff. Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

Subd.165. School. A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the State of Minnesota, and not providing residential accommodations.

- Subd. 165a. Financial Guarantee. A deposit, bond, letter of credit, or comparable financial surety made with the City to guarantee the completion or performance of requirements under this Ordinance.
- Subd. 166. Sediment. Sediment is soils or other surficial materials transported by surface water as a product of erosion.
- Subd. 167. Sedimentation. Sedimentation is the process or action of depositing sediment that is determined to have been caused by erosion.
- Subd. 168. Setback. The minimum horizontal distance between a building and the lot line. Distances are to be measured from the most outwardly extended occupiable portion of the structure.
- Subd. 169. Sewer System. The combination of public and private 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 in a public sewage treatment facility.
- Subd. 170. Shelter - Fallout or Blast. A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, blasts, air raids, storm, or other emergencies.
- Subd. 171. 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.
- Subd. 172. Shoreland. Land located within one thousand feet (1,000') from the ordinary high water level of the lakes. The limits of the 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 MnDNR Commissioner.
- Subd. 173. Shoreland Management District. Land located within three hundred feet (300') from the ordinary high water level; or the first tier of riparian lots or the first tier of lots or the first tier of lots beyond a public street when the street is adjacent to a public water body, whichever is greater, of certain public waters as established by the City Council as established by this Code.
- Subd. 174. Significant Trees. Significant trees are defined as healthy trees, as determined by the Forester, which are: a minimum of eight inches in diameter for long-lived hardwood deciduous trees and a minimum of 12 inches in diameter for softwood deciduous trees, as measured 54 inches above ground, and; are a minimum of eight feet in height.

- Subd. 175. Site. A site is the entire area of land on which the land disturbance activity is proposed in the permit application.
- Subd. 176. Site Plan. A site plan is a plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, storm water management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.
- Subd. 177. Slope. The slope is the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.
- Subd. 178. 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 Chapter. Where specific information is not available, steep slopes are lands having average slopes over twelve percent (12%), as measured over horizontal distances of fifty feet (50') or more, that are not bluffs.
- Subd. 178a. Stormwater Pollution Prevention Plan A joint stormwater and erosion and sediment control plan that that when implemented will decrease soil erosion on a parcel of land and off-site stormwater impacts.
- Subd. 179. Storm Water Pond. A man-made pond capable of holding water seasonally or permanently, the purpose of which is to collect run off, nutrients, and sediment prior to releasing water into wetlands and natural water bodies.
- Subd. 180. Story. That portion of a building including beneath the upper surface (of a floor and upper surface of floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top - most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellars or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story.
- Subd. 181. Street. See road.
- Subd. 182. Street Frontage, The proximity of a parcel of land to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.
- Subd. 183. Stripping. Stripping is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

Subd. 184. Structure. Anything which is built constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.

Subd. 185. Structure, Public. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned, or rented and operated by a federal, state, or local government agency.

Subd. 186. Subdivision. Subdivision. The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:

(1) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;

(2) creating cemetery lots;

(3) resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Subd.187 Substantial Damage. Means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Subd.188 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 50 percent 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, 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 an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure” as defined in Code of Federal Regulations, Part 59.1.

Subd. 189. Surveyor. A surveyor is a person duly registered or authorized to practice land surveying in the State of Minnesota.

Subd. 190. Toe of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Subd. 191. Top of the Bluff. The point on a bluff where there is, as visually observed, identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Subd. 192. Transmission Tower. A self-supporting structure over 55 feet in height used for mounting or attaching antennae and its accessory buildings.

Subd. 193. Townhouses. Structures housing three (3) or more dwelling units contiguous to each other only by the sharing of one (1) common wall, such structures to be of the town or row houses type as contrasted to multiple dwelling apartment structures. No single structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

Subd. 194. Use. The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.

Subd. 195. Usable Open Space. A required ground area or terrace area on a lot which is grade, developed landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways and parking areas shall not constitute usable open space.

Subd. 196. Variance. The waiving by Board action of the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property

under consideration. A modification of the provisions of this ordinance as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered or permitted by a variance.

Subd. 197. Vegetation. Means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

Subd. 198. Waterbody. Means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and surrounded by land.

Subd. 199. Watercourse. A watercourse is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

Subd. 200. Water-Oriented Accessory Structure or Facility. A small, aboveground 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.

Subd. 200a. Water Resources Management Plan. A plan, as may be amended from time to time, adopted by the City of Long Lake that guides water resource management activities within the City.

Subd. 201. Watershed. A watershed is a region draining to a specific river, river system, or body of water.

Subd. 202. Watershed District/Watershed Management Organization (WMO). is an organization which oversees the activities in a particular watershed as defined by Minnesota Statutes, Sections 103B and 103D.

Subd. 203. Wetland. A land form that is transitional between "terrestrial" and "aquatic systems" as defined in Minnesota Statutes, Section 103G.005, subdivision 19.

Subd. 204. Wetlands. An area where water stands near, at, or above the soil surface during a significant portion of most years saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics:

- A. Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types, 1,2,3,4,6,7, and 8 described by the United States Fish and Wildlife Service, Circular 39 "Wetlands of the U.S. 1956").

- B. Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and muck).
- C. Soil which is water logged or covered with water at least three (3) months of the year.
- D. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and property, may be shallow waterbodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Subd. 205. Wetland Boundary. The boundary line between what is considered to be upland and wetland using the methodology for delineating wetlands as prescribed in Minnesota Statutes, Section 103G.2242, subdivision 2.

Subd. 206. Wetlands Conservation Act. An Act adopted by the State of MN classifying, governing and defining Wetlands incorporated as a reference herein and as amended from time to time by the State of MN.

Subd. 207. 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 district in which such lot is located.

Subd. 208. Yard, Front. That area extending along the full length of a front lot line between side lots lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

Subd. 209. 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 principal building.

Subd. 210. Yard, Side. A yard between the side line of the lot and the nearest line of the principal building and extending from the front line of the lot to the rear yard.