

SECTION III
RULES AND DEFINITIONS

3.1 RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The masculine gender includes the feminine gender and the neuter gender.
3. The singular includes the plural and the plural includes the singular.
4. The present tense includes the past and future tenses and the future includes the present.
5. The word “may” is permissive. The word “shall” is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
6. All horizontal and vertical measured distances shall be expressed to the nearest tenth of a foot and its metric equivalent, unless specifically stated otherwise.
7. The words “lot,” “plot,” “piece” and “parcel” of land are interchangeable.
8. The words “used for,” shall include the phrases “arranged for,” “designed for,” “intended for,” “improved for,” “maintained for,” and “occupied for.”

3.2 DEFINITIONS

The following words shall be defined as follows for the purpose of this Ordinance:

1. **Abandoned Building.** A building as defined hereinafter on public or private property, which no longer serves a practical use and, due to its

location or structural condition, is considered a safety hazard in the opinion of the Zoning Administrator.

2. **Abandoned Motor Vehicle.** A motor vehicle as defined in Minnesota Statutes Chapter 169.01 that (a) has remained on public property in an inoperable condition for more than 48 hours, or (b) has remained on private property for more than 48 hours without the permission of the owner, or (c) has remained on private property for more than thirty days and is inoperable or is unlicensed unless kept in a garage or other storage structure.
3. **Abutting.** Making direct contact with or immediately bordering.
4. **Accessory Structure:** A building or other structure that is supportive, secondary and subordinate in use and/or size to the principle structure on the same parcel or lot which, because of the nature of its use, can reasonably be located at or greater than minimum structure setbacks. Includes all structures not considered the principle structure including, but not limited to, T.V. towers antennas, dish antennas, outdoor swimming pools, outdoor hot-tubs, detached garages, sheds, guest quarters and boathouses.
5. **Accessory Use.** A use naturally and normally incident and subordinate to the main use of the premises.
6. **Addition.** A physical enlargement of an existing structure.
7. **Adjacent.** In close proximity to or neighboring, not necessarily abutting.
8. **Agent.** Any person acting on behalf of a landowner in dealing with activities under the jurisdiction of the Ordinance, including but not limited to realtors, contractors or attorneys.

- 9. Agricultural Use.** The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses used for packing, treating or storing the product, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- 10. Airport.** Any premises used or intended for use for the landing and taking off of aircraft including any structures used or intended for use for aircraft services.
- 11. Alteration.** A change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another, of a building or a structure.
- 12. Animals, Domestic.** Common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.
- 13. Animals, Food.** Fish, fowl, cattle, swine, sheep and others raised for the purposes of food consumption.
- 14. Animals, Wild.** Animals, such as wolves, tigers, lions and snakes, that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.
- 15. Animal Boarding Facility.** An establishment that houses animals, other than those belonging to the occupant, overnight or over an extended period of time.
- 16. Animal Grooming Establishment.** An establishment principally engaged in grooming animals in which overnight boarding is prohibited.

17. Animal Husbandry. The care or breeding of domestic animals such as cattle, hogs, sheep, horses, poultry, dogs (more than two) or cats (more than three) for the occupants of a property.

18. Animal Unit. A unit of measure based on the approximate production of wastes from 1000 pounds of live weight of poultry or animals.

Animal Units

One (1) slaughter weight steer or heifer	1
One (1) mature dairy cow or horse	1.4
One (1) swine over 55 pounds	0.4
One (1) sheep	0.1
One (1) goose	0.1
One (1) duck	0.05
One (1) turkey	0.18
One (1) chicken	0.1

19. Apartment. A room or suite of rooms that is designed for, intended for, or occupied as a residence by a family or individual, and is equipped with sanitary facilities.

20. Appeal. An application for the review of an order, requirement, decision, determination or interpretation of this Ordinance made by an administrative officer in the application and/or enforcement of this Ordinance.

21. Architectural Projection. A non-functional or ornamental feature on a building or other structure that does not extend to, or from, the ground.

22. Artist's Studio. A fine arts workshop of a painter, sculptor, potter, weaver, carver, jeweler, photographer or other similar art that requires artistic skill, where the public is received or where the artist is engaging in

retail sales. Not generally utilitarian, related to personal hygiene or adornment.

- 23. Attached.** Two buildings or structures that combine to form one building or structure through the use of at least one common wall, not including a breezeway.
- 24. Attorney.** The attorney duly appointed by the Council to represent the City of East Gull Lake.
- 25. Auto Salvage Yard.** A lot or yard where four or more motor vehicles are stored while parts are removed, where crushing occurs or where storage pending crushing may occur.
- 26. Auto Trip.** Transport in a vehicle that includes both an arrival and a departure from a location.
- 27. Balcony.** Same as a deck.
- 28. Bathroom.** A room containing a shower or bathtub or a sink and toilet.
- 29. Basement.** The space below the first story of a structure which is greater than four (4) feet in height.
- 30. Bed and Breakfast Dwelling.** A dwelling, single family, licensed through the Cass County Public Health Services, where, for compensation, meals and lodging are provided for three or more unrelated persons, but not exceed eight persons. The owner of the parcel must live on the premises.
- 31. Bedroom.** A portion of a dwelling unit intended to be used for sleeping purposes, which may contain closets and may have access to a bathroom.
- 32. Billboards.** A commercial sign which directs attention to a business, activity, service, entertainment or a product not exclusively related to the premises or property where such sign is located.

- 33. Block.** An area of land bounded by streets, exterior boundary lines and/or bodies of water.
- 34. Bluff.** A topographic feature such as a hill, cliff or embankment having all of the following characteristics:
- A. Part or all of the feature is located in a shoreland area.
 - B. The slope rises at least twenty-five (25) feet above the ordinary high water mark of the water body.
 - C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet above the ordinary high water level averages thirty (30) percent or greater.
 - D. The slope must drain towards the water body.

An area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff.

- 35. Bluff Impact Zone.** A bluff and the land located within twenty (20) feet inland from the top of the bluff.
- 36. Boat Access.** A ramp, road or other conveyance on a residential lot which allows the launching and removal of a boat with a vehicle and trailer.
- 37. Boat House.** A structure designed and used solely for the storage of boats or boating equipment.
- 38. Boarding House.** Same as Bed and Breakfast dwelling.
- 39. Board of Adjustment.** The Board, appointed by the City Council, to hear appeals from actions of the Zoning Administrator, and variance requests.

- 40. Breezeway.** A covered or enclosed walkway that physically connects two or more buildings or structures. Shall not materially connect the two or more buildings or structures.
- 41. Buildable Area.** Any site, lot, parcel or any portion thereof that does not contain designated flood plain, wetlands or areas in excess of twenty-five (25) percent slope.
- 42. Building.** Any structure used or intended for storage, shelter or occupancy.
- 43. 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 between the eaves and the highest ridge of gable, hip or gambrel roofs or ten feet below the peak, whichever is greater.
- 44. Building Line.** A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- 45. Building Permit.** A permit authorizing an Applicant under this Code to undertake construction or other development activity.
- 46. Campground.** Any area, whether publicly or privately owned, consisting of designated campsites with appropriate facilities and management services designed for temporary occupation by tents or recreational vehicles.
- 47. Camping.** Habitation of a temporary structure.
- 48. Campsite.** A parcel within a resort or campground designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle.

- 49. Cemetery, Unplatted.** Any human remains or burials found outside of platted, recorded or identified cemeteries pursuant to Minnesota Statutes, Chapter 307.08.
- 50. Child Care, Center.** A facility that is maintained, for the whole or part of the day, for the care of five or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term shall not include any facility licensed as a foster care home or any facility defined as a Child Care, Family Home.
- 51. Child Care, Family Home.** A primary residence where, for the whole or part of the day, an owner of the residence, licensed as a child care provider, cares for five or more children who are eighteen (18) years of age or younger and who are not related to the owner, whether such facility is operated with or without compensation for such care.
- 52. 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 and related community activities.
- 53. City Clerk.** The appointed person responsible for administration of the City affairs.
- 54. City Council.** The duly elected governing body of the City.
- 55. City Sewer or Water System.** A system of municipally maintained utilities, approved by the State, and serving more than one building or property.

- 56. Commercial Use.** The principle use of land or buildings for the sale, lease, rental, trade of products, goods or services.
- 57. Commissioner.** The Commissioner of the Department of Natural Resources.
- 58. Community Park.** A park designed to provide recreational opportunities to serve the entire community.
- 59. Comprehensive Plan.** Also referred to as Community Plan. A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City and its environs and may include, but is not limited to, the following items: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution.
- 60. Conditional Use.** A land use or development as defined by the Ordinance that would not be appropriate without restriction, but may specifically be allowed without restrictions of conditions as determined by the Planning Commission and the Council upon a finding that (a) the use or development is an appropriate conditional land use in the land use zone, (b) the use or development, with conditions, conforms to the comprehensive land use plan, (c) the use, with conditions, is compatible with the existing neighborhood and (d) the use, with conditions, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the City.
- 61. Condominium Ownership or Common Interest Community.** A form of ownership within a multi-owner building or complex wherein the boundaries are defined by a condominium plan or common interest

community in accordance with Minnesota Statutes 1980, Chapter 515A or 515B or subsequent revisions.

- 62. Contiguous.** The sharing of a common border at more than a single point. Lots, parcels or boundaries may be considered contiguous where separated by rights-of-way, rivers or streams.
- 63. Controlled Access Lot.** Any lot which is designated for the exclusive use by non-riparian landowners within a subdivision as a means to gain access to a lake, river or stream.
- 64. Council.** The City Council, as established by State Law.
- 65. Crawl Space.** The space below the first story of a structure not more than four feet high and not intended for human habitation.
- 66. Cul-de-sac.** A short local street terminating in a vehicular turnaround.
- 67. Deck.** An uncovered, unscreened structure or on grade patio not including on-grade walks four (4) feet wide or less.
- 68. Dock.** A platform extending water ward from the shoreline intended for ingress and egress for moored watercraft or to provide access to water for swimming, fishing or other water orientated activities.
- 69. Dormitory.** A building, or portion thereof, providing group sleeping accommodations in one room, with shared bath and toilet facilities.
- 70. Duplex, Triplex or Quad.** A structure on a single lot having two, three or four dwelling units respectively being attached by common walls, and each being equipped with separate sleeping, cooking, eating, living and sanitation facilities.
- 71. Dwelling, Guest Quarters.** A structure, not for sale or lease, used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling on the lot.

Any accessory structure with kitchen or bathroom facilities shall be considered a dwelling, guest quarters.

- 72. Dwelling, Multi-Family.** Two or more dwelling units attached together by any point including duplexes, triplexes, townhouses and multi-level units regardless of type of ownership.
- 73. Dwelling, Single Family.** A dwelling unit totally separated from any other dwelling unit.
- 74. Dwelling, Townhouse.** A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.
- 75. Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter including camping and recreational vehicle sites.
- 76. Dwelling Unit.** A structure or portion of a structure or other shelter designed as a short or long term living quarters for one or more persons including rental or time share accommodations such as a motel, hotel resort rooms and resort cabins.
- 77. Dwelling Width.** The smallest horizontal dimension of the major portion of a dwelling.
- 78. Earth Tone.** A shade of color that, when viewed from a distance, is indistinguishable from the colors of the surrounding landscape.
- 79. Engineer.** The Engineer duly appointed by the Council to perform technical services for the City of East Gull Lake.
- 80. Exterior Storage.** Storage of goods, materials, equipment, manufactured products outside a fully enclosed building.

- 81. Extractive Use.** The use of land for removal of sand, gravel, rock, industrial minerals, other non-metallic minerals or pea not regulated under Minnesota Statutes Sections 93.44 to 93.51.
- 82. Family.** An individual, or two or more persons related by blood, marriage, adoption, or a relationship legally recognized in Minnesota, or not more than five unrelated persons maintaining a common household.
- 83. Fence.** A constructed barrier, including berms, intended to prevent escape or intrusion, or to mark a boundary, to shield or screen view, or to perform any similar function.
- 84. Filling.** The act of depositing any clean earthen material.
- 85. Final Floor Plan.** A drawing prepared by a Registered Architect, Registered Engineer, or Registered Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes 1980, Section 515A.2-110.
- 86. Final Condominium Plat.** A drawing prepared by a Registered Architect, Registered Engineer or Registered Land Surveyor depicting the condominium subdivision of real estate and related information conforming to the requirements of Minnesota Statutes 1980, Section 515A.2-110.
- 87. Final Plat.** A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by the Subdivision Ordinance to be presented to the Planning Commission and the City Council for approval, and which, if approved, may be duly filed with the County Recorder.

- 88. Floodplain.** The areas adjoining a water course, intermittent or permanently flowing, which have been or will be covered by the runoff waters of a storm with a 1% chance of occurrence any year (100 year storm).
- 89. Floodway.** The channel of the water course and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood (100 year chance of occurrence.)
- 90. Footprint.** The horizontal extent to which a structure covers the ground plane as represented in a plan view including cantilevered building elements but excluding eaves and similar architectural projections of the roof plane.
- 91. Forest Land Conversion.** The clear cutting of forested lands to prepare for a new land use other than the re-establishment of a subsequent forest stand.
- 92. Foundation.** A concrete, concrete block or treated wood portion of a structure which totally encloses the perimeter of the structure, supports the bearing loads of the super-structure and penetrates the ground to provide frost protection.
- 93. Frontage.** The uninterrupted front boundary line of a lot, or the length of such line, that abuts on a street or protected water.
- 94. Garage, Attached.** A part of the principle structure which shall not exceed 1,280 square feet that is designed and used by the occupants of the principle structure for the storage of not more than four (4) motor vehicles.

- 95. Garage, Detached.** An accessory structure not attached to the principle structure on the property designed and used for the storage of not more than four (4) motor vehicles.
- 96. Gazebo.** A freestanding accessory structure with no kitchen, sleeping, sanitary facilities or pressurized water intended as weather and insect protection for such activities as picnicking and lake viewing.
- 97. Grading.** The movement of dirt, by mechanical means, so as to alter the existing topography of a property.
- 98. Green Space.** Privately owned property permanently dedicated by covenant or deed restriction to vegetate ground coverage with allowance for use as recreational facilities, tree coverage, water course, sewage disposal or similar uses. Public property permanently dedicated to park, vegetative buffer, tree coverage or water courses.
- 99. Group Care Facilities.** A facility which provides residential services for individuals that are handicapped, aged, disabled or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, mentally retarded, chemically dependent, foster children, maternity shelters and half-way houses.
- 100. Hardship, Undue.** The property in question can not be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property and were not created by the landowner, and a variance, if granted, would not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use exists under the terms of the Ordinance.

- 101. Home Occupation.** A use of commercial nature conducted by an occupant entirely within the dwelling or accessory buildings which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the residential character thereof.
- 102. Home Occupation, Type I.** A home occupation, the commercial nature of which involves providing a service to a limited number of people who are predominantly acquaintances. Generates less than ten auto trips per week. No employees beyond owner. No signage or other advertising done either on or off-site. Would include businesses that are similar in nature to tutoring or music lessons performed on an individual basis.
- 103. Home Occupation, Type II.** A home occupation, the commercial nature of which involves providing a service to people or organizations that do not receive the service at the property from which is it being provided. Generates less than twenty-five auto trips per week, including deliveries and employees. No more than two employees, in addition to the owner, working on site. No signage done either on or off-site. Would include business that are similar in nature to telephone sales, consulting, or web design.
- 104. Home Occupation, Type III.** A home occupation, the commercial nature of which involves providing a service or product to people or organizations on site and includes two or more of the following:
1. Generates over twenty five, but less than sixty auto trips per week, including deliveries, or
 2. Employs more than two employees working on-site in addition to the owner working on-site, or
 3. Includes on-site retail sales of items manufactured on-site, or

4. On-site storage or warehousing of work related materials and products, or

Or any one of the following:

1. Generates over sixty auto trips per week, or
2. Generates noise, odor, dust, fumes, vibrations, glare, or similar effects beyond the property in which the use is conducted.

105. Hotel. A building containing three (3) or more individual rooms, without kitchens, used for overnight lodging by the general public on a short-term basis for a fee, with or without meals, and which has common reservation and cleaning services, combined utilities, and on-site management and reception services.

106. House of Worship. Same as church.

107. Impervious Surface. The horizontal area of buildings, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of stormwater, including gravel drives and parking.

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

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

110. Interval Ownership. Form of ownership of real property, condominium land or space further defined by a reoccurring time interval, resulting in more than one owner of the same property, also known as "timeshare".

- 111. Junk Yard.** An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleared, parked, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with the construction of a manufacturing process shall not be included. Three or more automobiles without current licenses constitute a junk yard. Such use shall not include putrid wastes such as garbage.
- 112. Lake Classification.** The formal classification provided by the Department of Natural Resources for each body of public waters within the City.
- 113. Landscaping.** Plantings such as trees, grass, shrubs, and decorative timbers, arbors, rocks and water displays.
- 114. Leaseback by Owner.** An arrangement between an owner of property and a leasing agent or resort to promote and operate the property for rental purposes.
- 115. Licensed Engineer.** A person licensed as a professional engineer by the State of Minnesota.
- 116. Licensed Survey.** A person licensed as a professional surveyor by the State of Minnesota.
- 117. Litter.** Waste materials including but not limited to, cans, bottles, plastic and paper wrappings or containers.
- 118. Lot.** A parcel, piece or portion of land described by metes and bounds, registered land survey, auditor's plat, or subdivision plat and separated from other parcels or portions of land by said description for purposes of sale, lease, mortgage, building or separation.

119. **Lot Area.** The horizontal area of a lot bounded by the lot lines and the ordinary high water line if bounded by water.
120. **Lot, Corner.** A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of one street with the internal angle less than 135 degrees.
121. **Lot, Front.** The boundary of a lot which abuts on a public right of way, or if a corner lot, the shortest of the two boundaries. If the lot abuts public water, the lake side shall be considered the lot front.
122. **Lot Line.** The property lines bounding a lot except that where the description extends into a public right of way, the right of way line shall be considered the lot line.
123. **Lot, Pre-existing.** A lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an auditor's subdivision, or registered land survey, or a lot created by metes and bounds that has been recorded in the office of the County Recorder prior to the effective date of this Ordinance.
124. **Lot Tier Depth.** The lot depth of a normal lot conforming to the shoreland requirements; General Development Lake first tier - 200 feet, second and additional tiers - 267 feet; Recreational Development Lake - 267 feet, Natural Environmental Lake - 400 feet.
125. **Lot Tiers.** Successive strips of land parallel with the ordinary high-water line, each one tier depth wide, and extending across the parcel.
126. **Lot Width.** The shortest distance between lot lines measured at the midpoint of the building line.
127. **Maintenance.** The normal upkeep of a structure including the replacement of windows, siding, roofs, nonbearing walls or interior

remodeling that does not expand the footprint of the existing structure, add volume to the usable living space or intensify a non-conforming use.

- 128. Manufactured Home.** A structure, transportable in one or more sections, which, when erected on site, is a minimum of 640 square feet, is built on a permanent foundation, contains the heating, plumbing and electrical systems within and meets the requirements of the Uniform Building Code.
- 129. Marina.** A dock or set of docks on a single parcel that contains more than seven watercraft or more watercraft than first tier dwelling units, whichever is greater.
- 130. Mature Tree.** A living tree greater than four (4) inches in diameter.
- 131. Metes and Bounds.** A method of property description utilizing directions and distances commencing from and terminating at an identifiable point.
- 132. Mobile Home.** A factory-built dwelling designed intrinsically as a trailer.
- 133. Motel.** A building containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with parking space reserved for each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests.
- 134. Multi-Level Dwelling.** A type of multi-family housing consisting of dwelling units stacked one above the other, creating a party floor or floors between units.
- 135. Natural Drainage way.** All land surface areas which, by nature of their contour or configuration, collect, store and channel surface or runoff water.

- 136. Neighborhood.** The area adjacent to or surrounding existing or proposed development characterized by common use or uses, density, style and age of structures and environmental characteristics.
- 137. Non-conforming.** The building, structure or land lawfully existing prior to and not in conformance with the provisions of this ordinance.
- 138. Nuisance.** By authority and direction of Minnesota Statute, 1980, Section 412.221, Subdivision 23 and 24; and Section 429.31, Subdivision 8; and Section 145.22 and 145.23, nuisance is anything that interferes with the use or enjoyment of property, endangers personal health or public safety, or is offensive to the senses such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact and other similar interferences or offenses.
- 139. Nursery.** A business growing and selling trees, flowering or decorative plants and shrubs.
- 140. Nursing Home.** Any institution or facility required to be licensed as such under Minnesota Statutes, Sections 144.50 to 144.56 by the State Board of Health.
- 141. Off-street parking.** A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and used for the parking of vehicles.
- 142. Open District.** A zoning district defined by natural features to be unsuitable for any dwelling and unsuitable for any other development except in accordance with the conditional use permit process.
Corresponds to the DNR Special Protection District.
- 143. Open Storage:** Storage of material outside of a building.

144. **Ordinary High Water Mark.** The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses the ordinary high water level is the elevation of the top of the bank of the channel, for reservoir and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
145. **Owner.** An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land and/or building.
146. **Parking Space.** A 10 foot by 20 foot site off public right of way, maintained and sized to accommodate the parking of one automobile.
147. **Party Wall or Floor.** A common wall which divides two independent dwelling units or businesses.
148. **Perennial Ice Ridges.** The recurrent pushing action of a lake's ice sheet against the shore causing sediment buildup on shorelines.
149. **Permitted Use.** A land use conforming to the character of a zoning district which is permitted by ordinance requiring only a zoning permit issued by the Zoning Administrator.
150. **Pet.** An animal commonly associated with human habitation, not considered under animal units and not raised for production of income.
151. **Planned Unit Development (P.U.D.).** A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common green space,

density increases, and mix of structure types and land uses. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.

152. **Planned Unit Developments, Commercial.** Uses that provide transient, short-term lodging spaces, rooms, or parcels and their operation are essentially service orientated. These shall include but not be limited to hotel/motel accommodations, resorts, recreational vehicle and camping parks and other primarily service oriented activities.
153. **Planned Unit Development, Residential.** Residential Planned Unit Development means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives and full fee ownership residences would be considered as Residential Planned Unit Developments. Includes time share condominiums not part of a resort.
154. **Planning Commission.** The body duly appointed by the City Council to determine the development of the City and make recommendations to the City Council on comprehensive plans, zoning district boundaries, conditional use permits, subdivision of land and capital improvements.
155. **Porch.** A covered platform attached to a structure with or without screening material, canvas or blind material, or regular pane glass intended for weather and insect protection. Contains no kitchen, permanent sleeping areas, or sanitary facilities. Treated the same as a deck for setback requirements.

156. **Porch, Enclosed.** A covered platform attached to a structure with more permanent enclosures than those described in “porch”. If the enclosed porch contains any sleeping area, kitchen, laundry, sanitary facilities, heat, insulation, air conditioning, or considered in the opinion of the Planning Commission as a 3 season porch due to construction, it is an addition to the home, requiring a permit and subject to all bulk and density requirements applied to permanent structures.
157. **Preliminary Plat or Plan.** A plan prepared in accordance with the Subdivision Ordinance depicting the proposed subdivision of property by Final Plat or Final Floor Plan.
158. **Principal Structure or Use.** The single primary structure or use on a lot, as distinguished from accessory uses or structure.
159. **Protective Covenants.** Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in planned unit developments to establish homeowners associations, restrict shoreline development and provide for common facilities.
160. **Public Waters.** Any waters as defined in Minnesota Statutes Sec. 105.37, Subd. 14 & 15. However no lake, pond or flowage of less than 10 acres in size in municipalities need be regulated for the purposes of the shoreland management rule. A body of water created by a private user where there was no previous shoreline may, at the discretion of the local government, be exempted from the shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams should be made by the DNR Commissioner.
161. **Recorder.** The County Recorder of Cass County.

162. **Recreational Vehicle.** Vehicles for recreational use that can be driven, towed or hauled. These vehicles may be designed to be temporary living space for camping or travel use. RV's shall include travel trailers, camper trailers, truck campers, self-propelled motor homes and other similar vehicles.
163. **Resort.** Any buildings, structures or enclosures kept, used, maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreations, for periods of one day, one week or longer, and having for rent three or more cottages, rooms or enclosures along with any related facilities such as restaurants, bars, golf courses or other recreational amenities.
164. **Restaurant.** An establishment where the principle business is the preparation, service and sale of food and beverages to be consumed by customers at tables or counters located within the building on the premises.
165. **Right-of-Way.** A parcel of property dedicated to the public, connecting to other public right of ways, which affords primary access by pedestrians and vehicles to abutting properties.
166. **Riprap.** A pile of large, angular boulders built seaward of the shoreline to prevent erosion by waves or currents.
167. **Screening.** Fencing, an earthen berm or vegetative growth that visually separates one object from another.
168. **Semi Public Use.** The use of land by private non-profit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

169. **Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, acceptability to flooding or occurrence flora or fauna in need of special protection.
170. **Setback.** The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line or other facility. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
171. **Setback, Interior Lot.** In a planned unit development, the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
172. **Setback, Side, Exterior.** The closest horizontal distance between the exterior boundary side lot line and the foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three (3) feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.
173. **Setback, Road.** The closest horizontal distance between the road right-of-way line and the foundation or wall of a structure. Three feet of

roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.

174. **Setback, Waterfront.** The closest horizontal distance between the ordinary high water mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.

175. **Sewage Treatment System.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080 of the State Rules and Regulations.

176. **Sewer System.** Pipe lines or conduits, pumping stations and forcemain and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.

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

178. **Shoreland.** Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or 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 water for lesser distances and when approved by the DNR Commissioner.

179. **Shoreline Property.** A lot directly abutting a public water, generally located in the first lot tier adjoining the public water.
180. **Signs.** A name, identification, description, display, illustration, advertisement or device which is displayed for the purpose of attracting attention to a person, product, place, activity, institution or business. Does not include street identification signs, temporary real estate sale signs, temporary signs endorsing a political candidate, party or issue during an election season, temporary event signs not exceeding 48 square feet or other temporary signs of a similar nature approved in writing by the Zoning Administrator.
181. **Signs, Offsite.** Any sign not located on the contiguously owned property with the use which is advertised.
182. **Signs, Onsite.** Any sign located on the contiguously owned property with the use which is advertised.
183. **Significant Historical Site.** Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the State Register of Historical Sites or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes Sec. 307.08. A Historical Site meets this criteria if it is presently listed on either Register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.
184. **Sketch Plan.** A plan drawn to scale used for planning and discussion purposes only.

185. **Steep Slope.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness due to the site's soil characteristics as mapped and described in available County Soils Surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, but which are not bluffs.
186. **Street.** A public right-of-way that provides primary vehicular access to abutting property and shall include avenue, road or highway. Street classifications are defined in the Comprehensive Plan unless defined in a roadway classification plan or other similar road specific plan.
187. **Street, Arterial.** A street that has the primary function of rapidly move traffic to or through the City. May provide access to abutting land. Arterial streets are, in general, county or state highways that begin and terminate outside of the City limits or connect to other arterial streets within the City.
188. **Street, Collector.** A street that has the primary function of receiving and distributing traffic to and from local streets and providing distribution of traffic within. May provide access to abutting lots. In general, collector streets begin and terminate at arterial streets or other collector streets.
189. **Street, Local.** A street, the function of which is to provide localized access to individual parcels. Does not normally carry through traffic. Traffic volumes and traffic speeds are expected to be low.

190. **Structure.** Any building, appurtenance including decks or other facility constructed, placed or erected by man except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and except walks or steps on grade not more than 4 feet wide, stoops not exceeding 30 square feet, fenced, temporary furniture, planter, or decorative material and retaining walls consisting of wood or decorative block.
191. **Subdivider.** The owner, agent, person, corporation, partnership or legal entity proposing to subdivide property under his control.
192. **Subdivision.** The division of real estate into two or more parcels for the purpose of sale, rent or lease, including planned unit development.
193. **Subdivision by Plat.** The subdivision into two or more parcels of any size by the authority of Minnesota Statutes, Chapter 505, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Council.
194. **Subdivision by Condominium Plan.** The subdivision of a building or the subdivision of real estate into two or more spaces or parcels of any size by the authority of Minnesota Statutes, Chapter 515A, with documents prepared by a Registered Land Surveyor and duly approved by the Planning Commission and Council.
195. **Subdivision by metes and bounds.** Any division of real estate resulting in two or more parcels which are not platted, but divided by description prepared and signed by a Registered Land Surveyor.
196. **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 operation of business. Marinas, resorts and restaurants with transient docking facilities are examples of such use.

197. **Temporary.** A use or structure that lasts longer than three days and is discontinued within 14 days. Any use or structure existing longer than 14 days, except for signs, shall be considered permanent unless a specific date of discontinuation, agreeable to the Planning and Zoning Administrator to be reviewed by the Planning Commission, has been submitted, in writing, to the City.
198. **Temporary Structure.** A structure of a temporary character including but not limited to house boats, fish houses, recreational vehicles, tents or shacks, used as dwellings for more than a 5 day period per year. Any new dwelling constructed or placed after the date of this Ordinance and not on a permanent foundation shall be considered a temporary structure.
199. **Toe of Bluff.** a) The lower point of a 50 foot segment with an average slope exceeding 18%.
200. **Top of the Bluff.** The higher point of a 50 foot segment with an average slope exceeding 18%.
201. **Townhouse Dwelling.** A type of multi-family housing consisting Of dwelling units attached by common party walls. Ownership may be defined by Plat or Condominium Plan.
202. **Tree.** A woody plant 4 inches or more in diameter or 8 feet or more in height.
203. **Variance.** A legally permitted deviation from the provisions of this ordinance as deemed necessary by the Board of Adjustment when the strict interpretation of the Ordinance would create undue hardship and be

impractical because of circumstances, relating to lot size, shape, topography or other characteristics of the property, and when the deviation from the Ordinance, with any attached conditions, will still be in keeping with the spirit and intent of the Ordinance. Variances cannot create a land use not permitted in a zone.

204. **Vegetation Removal, Clear Cutting.** The removal of more than 75% and up to 100% of a stand of trees and brush over 10 feet in height on a lot or parcel of land up to 40 acres.
205. **Vegetation Removal, Open Cutting.** The removal of more than 25% and up to 75% of a stand of trees and brush over 10 feet in height on a lot or parcel of land up to 40 acres.
206. **Vegetation Removal, Select Cutting.** Removal of dead, diseased or damaged trees or shrubs, removal of trees for placement of structures and drives, and further removal of only individual trees to uniformly thin up to 25% of a stand, on a lot or parcel of land up to 40 acres. Complete brush removal is allowable including trees under 10 feet in height.
207. **Vegetation Removal, Steep Slopes.** Removal of dead, diseased or damaged trees or shrubs and further removal of only individual trees to uniformly thin up to 25% of a stand, on a lot or parcel of land with a bluff. Brush removal is only allowable where required to accommodate stairways, lifts and landings.
208. **Walkway.** A parcel of property dedicated to the public for non-vehicular access purposes.
209. **Waterslide:** A slide located at the edge of a pool that is greater than 6 feet in elevation from the pool deck to the slide entry platform, including but not limited to flume or chute slides that use water to transport the

user, or drop slides with a drop of more than two inches from the edge of the landing to the water surface.

210. **Water Oriented Accessory Structure or Facility.** A small above ground building or other improvement, except stairways, fences, docks and retaining walls, which because of the relationship of its use to a surface water feature is located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish cleaning houses and detached decks.

211. **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 the 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 groundwater 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.

212. **Warehousing.** The principle use is the storage of materials or equipment within an enclosed building.

213. **Warehousing, Commercial.** The rental or sale of warehousing space.

214. **Zoning Administrator.** The duly appointed person responsible for the enforcement and administration of this Ordinance.

215. **Zoning District.** An area of the City of East Gull Lake defined on the zoning map, having uniform zoning provisions.
216. **Zoning District Overlay.** A zoning district containing regulations superimposed upon other zoning district regulations and superceding the underlying zoning district regulations.
217. **Zoning Map.** The map of the City of East Gull Lake, amended from time to time, which defines the boundaries of the zoning districts.
218. **Zoning Permit.** A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this ordinance have been met, when approval of any conditional use permits or variances have been granted and when the fees are paid. A zoning permit may have administrative conditions specific to the subject site when called for by the Ordinance.