

## **ARTICLE VIII**

### **Sciota Township Zoning Ordinance**

#### **Section 801: DEFINITIONS**

##### **INTERPRETATION**

For the purpose of administering and enforcing Sciota Township Ordinances, the following terms, phrases, words, and their derivatives must have the meaning stated in Section 8 and shall include by reference the definitions found in any Article of Sciota Township Ordinances.

Terms or words used herein shall be interpreted as follows:

1. All references to specific sections of the Minnesota Statutes or Rules include amendments, revisions, or recodifications of such sections.
2. The words “shall” and “must” are mandatory.
3. The word “may” is permissive.
4. Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number.
5. The word PERSON includes an individual, all partnerships, associations, and bodies politic and corporate.
6. The word USED or OCCUPIED as applied to any land or building shall be construed to include intended, arranged, or designed to be used or occupied.
7. All distances unless otherwise specified shall be measured horizontally.

##### **Definitions:**

**ABANDONED MOTOR VEHICLE:** A motor vehicle that is not usable for transportation purposes and /or does not have current license, or vehicle that is used as a parts donor vehicle.

**ACCESSORY DWELLING UNIT, EXTERNAL:** An additional dwelling unit that is subordinate to a primary dwelling; consists of provisions for living, sleeping, eating, cooking, and sanitation; and is detached from the parcel’s primary dwelling.

**ACCESSORY DWELLING UNIT, INTERNAL:** An additional dwelling unit that is subordinate to a primary dwelling; consists of provisions for living, sleeping, eating, cooking, and sanitation; and is contained within or attached to the parcel’s primary dwelling.

**ACCESSORY STRUCTURE OR USE, NON-RESIDENTIAL:** An enclosed, covered, non-residential structure, which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use. (Includes a garage, barn, workshop,

storage shed, greenhouse, gazebo, or similar outbuilding structure, but does not include any dwelling unit).

**AGRICULTURE SERVICE ESTABLISHMENTS:** Land uses primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis including corn shelling, hay baling and thrashing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; farm equipment service and repair; veterinary services; boarding and training of horses; commercial hunting and trapping; and the operation of game reservations; roadside stands for the sale of agricultural produce grown on the site, and other similar uses.

**AGRICULTURE STRUCTURE:** Shall include all non-residential structures specifically designed and utilized for agricultural purposes. Such structures shall include, but not be limited to pole barns, grain storage structures, storage structures for agricultural equipment, animal shelters, and irrigation systems.

**AGRICULTURE USE:** The management of land for production of farm crops such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for the raising thereon of domestic farm animals, including but not limited horses, cattle, sheep, swine and poultry, in enclosed buildings, pastures or feedlots.

**AIRPORT HAZARD:** Any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

**ALLEY:** A narrow service way providing a secondary public means of access to the back or sides of abutting properties.

**APPLICANT:** Any person or entity that applies to the Township for a permit under this Ordinance.

**ANIMAL FEEDLOT:** See Feedlot, animal.

**ANIMAL UNIT:** a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage. For purposes of this ordinance, the following multiplication factors apply:

<u>Animal</u>	<u>Animal Unit</u>
<u>One mature dairy cow whether milked or dry: (i) over 1,000 pounds; or (ii) under 1,000 pounds</u>	<u>1.4 units</u> <u>1.0 unit</u>
<u>One cow and calf pair</u>	<u>1.2 unit</u>
<u>One calf</u>	<u>0.2 unit</u>
<u>One slaughter steer</u>	<u>1.0 unit</u>
<u>One head of feeder cattle or one heifer</u>	<u>0.7 unit</u>
<u>One swine:</u> <u>(i) over 300 pounds;</u> <u>(ii) between 55 pounds and 300 pounds; and</u>	<u>0.4 unit;</u>

<u>(iii) under 55 pounds.</u>	<u>0.3 unit;</u> <u>0.05 unit</u>
<u>One horse</u>	<u>1.0 unit</u>
<u>One sheep or lamb</u>	<u>0.1 unit</u>
<u>One chicken:</u> <u>(i) one laying hen or broiler, if the facility has a liquid manure system;</u> <u>(ii) one chicken if the facility has a dry manure system:</u> <u>(A) over five pounds, or</u> <u>(B) under five pounds.</u>	<u>0.033 unit</u>  <u>0.005 unit;</u> <u>0.003 unit.</u>
<u>One turkey:</u> <u>(i) over five pounds; or</u> <u>(ii) under five pounds</u>	<u>0.018 unit</u> <u>0.005 unit</u>
<u>One duck</u>	<u>0.01 unit</u>

For animals not listed above, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds. (2023 Minnesota Statutes 116.06)  
Maximum densities of animals may be regulated in separate zoning districts.

**ANIMAL WASTE STORAGE FACILITY:** A structure where lot runoff, manure effluent or other diluted animal waste is stored or treated, including earthen manure storage basins, earthen lagoons, concrete storage or glass-lined storage.

**ANTENNA:** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and Omni-directional antennae, such as whip antennae.

**ARTERIAL ROAD/ HIGHWAY, MINOR:** As defined by the Metropolitan Council, minor arterials connect the cities and towns inside and outside the Twin Cities metropolitan area. They interconnect the rural centers in the region to one another.

**ATTORNEY:** The attorney employed by the Township, unless otherwise stated.

**BASEMENT:** A portion of a building located partly underground with more than half of its floor to ceiling height below the average grade of the adjoining ground.

**BERM:** A shelf or raised flat area that breaks the continuity of the slope of the land.

**BOARD:** The Town Board of Supervisors of Sciota Township.

**BOND:** Any form of security including a cash deposit, security bond, collateral, or instrument of credit in an amount and form satisfactory to Sciota Township. All bonds shall be subject to the Township Board's approval wherever a bond is required by these regulations.

**BMPs:** Best Management Practices as approved and promulgated by the State of Minnesota or an agency thereof

**BUFFER STRIP:** An area of dense vegetated ground cover abutting or surrounding a wetland, water body or watercourse that filters sediment and retains nutrients from stormwater runoff.

**BUILDING:** Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.

**BUILDING, HEIGHT:** The vertical distance in feet to the peak from average grade.

**BUILDING SETBACK LINE:** A line within a lot or other parcel of land parallel to a public road, street, highway, right-of-way line or water level on which a building or structure may not be placed.

**COLLECTOR STREET/ROAD:** Collector roads provide connections between neighborhoods and from neighborhoods to regional job concentrations and local centers.

**COMPREHENSIVE PLAN:** A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in Minnesota Statutes, and may include, but is not limited to statements of policies, goals, standards, and land use plan, a community facility plan, a transportation plan, and recommendations for plan execution. A Comprehensive plan represents the community's recommendations for the future development of the community.

**COMMERCIAL USE:** See "Retail Commercial" and "Wholesale commercial".

**COMMERCIAL RECEIVING AND/OR TRANSMITTING ANTENNA:** Any antenna erected for the commercial use of information.

**CONFINED AQUIFER:** An aquifer overlain by a confining layer of impermeable material.

**CONDITIONAL USE:** Any use of land which is not a permitted use, but which may be allowed if special conditions can be met so as to render the conditional use compatible with the surrounding land-uses and not be contrary to the intents of this Ordinance, but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

1. certain conditions as detailed in the zoning ordinance exist,
2. the use or development conforms to the comprehensive land use plan of the Township and is compatible with the existing neighborhood.

A conditional use requires a special permit that may be granted by the local governmental body following a public hearing.

**CONTOUR MAP:** A map on which irregularities of land surfaces are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

**DEAD-END STREET:** A street or portion thereof with only one vehicular outlet.

**DENSITY:** The number of dwelling units allowed on a specified amount of land.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions, or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavating or drilling operations, and the deposition or extraction of earthen materials.

**DEWATERING:** Mine Dewatering is the process of removing water from a workable area (whether underground or above ground) and putting it in a non-workable area or drainage system.

**DISCHARGE:** The runoff or drainage of storm water, including snowmelt, from a project site. The discharge point is the location of a flow outlet or where flows cross a property line.

**DRAINAGE SYSTEM:** Any natural or artificial means used to drain or store water, including but not limited to streams, rivers, creeks, and ditches and including structures such as culverts, drainage tiles, and dams, and water storage basins such as lakes or ponds, either natural or manmade. One or more artificial ditches, tile drains, or similar devices that collect surface runoff or groundwater and convey it to a point of discharge.

**DUPLEX:** A detached dwelling unit designed or modified for occupancy by two families.

**DWELLING:** a single unit providing complete, independent, living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. .

**DWELLING, MULTI-FAMILY:** A dwelling or group of dwellings on one plot containing separate living quarters for two or more families but which may have joint services and/or facilities

**EASEMENT:** Authorization by a property owner for the use by another and for a specified purpose of any designated part of his or her property.

**ESSENTIAL SERVICES:** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include surface, underground, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

**EXTERIOR STORAGE:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a structure.

**EXPLORATION:** onsite, geologic examination from the surface of an area by seismic core, rotary, percussion or other drilling or testing for the purpose of searching for

mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling

**EXPOSED SOIL AREAS:** All areas where the vegetation (trees, shrubs, brush, etc.) has been removed or has not been established. This includes topsoil stockpile areas, fill/borrow areas and disposal areas.

**EXTERNAL ACCESSORY DWELLING UNIT:** See ACCESSORY DWELLING UNIT, EXTERNAL

**EXTRACTION AREA:** Any non-agricultural related artificial excavation of earth exceeding one thousand (1,000) square feet of surface area or one (1) foot in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone or other natural matter, or made by turning, braking, or undermining the surface of the earth.

**EXTRACTION:** (Mining) The act of removing earth, sod, soil, sand, gravel, stone or other natural matter, for commercial or non-commercial purposes.

**FAMILY:** One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit in a dwelling unit.

**FARM BUILDINGS:** See “Agricultural Structure”.

**FARMING, GENERAL:** The production of field or truck crops, or the raising of livestock and livestock products for commercial gain.

**FEEDLOT, ANIMAL:** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of less than 200 poultry and pastures shall not be considered animal feedlots. All animal feedlots must meet the Minnesota Pollution Control Agency’s rules for the control of pollution from animal feedlots.

**FLOOD:** A general and temporary condition of partial or complete inundation of normal dry land areas caused by the overflow or rise of rivers, streams, or lakes.

**FLOOD FRINGE:** That portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood; it is generally associated with standing water rather than rapidly flowing water.

**FLOODPLAIN:** The land that has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood.

**FLOODWAY:** The land that has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe.

**FLOOR AREA:** The sum of the gross horizontal area of the several floors of a building or portion thereof devoted to a particular use. However, the floor area calculation shall not include basement floor area.

**GARAGE:** An accessory structure or accessory portion of the principal building which is intended for and used to store vehicles and belongings of the building

**GARBAGE:** Discarded material resulting from the handling, processing, storage, and consumption of food.

**GRADING:** See **Slope**.

Alternate use - The classification of aggregate composition.

**GAZEBO/SCREENED BUILDING:** An accessory structure, typically screened on all or most sides and used for recreational purposes.

**HISTORIC SITE:** Structure or body of land or water of historic archeological, paleontological, or architectural content or value which has been designated as an historic site in the Federal Register of Historical Landmarks or by the Minnesota Historical Society or by resolution of a local governmental unit

**HOME OCCUPATION:** A gainful occupation conducted by a member of the family, within his or her place of residence, where the space used is incidental to residential use. The Planning Commission may require additional performance standards for the home occupation.

**HOSPITAL:** Unless otherwise specified the term "hospital" shall be deemed to include sanitarium, sanatorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

**IMPERVIOUS SURFACE:** A constructed hard surface that either prevents or retards the entry of water and causes water to run off the surface in greater amounts than would have run off prior to the construction of the surface. Examples include: rooftops, sidewalks, patios, driveways, parking lots, storage areas, concrete, asphalt, gravel roads; and includes areas where the native soils have been densely compacted.

**INDUSTRY:** All manufacturing, compounding, processing, packaging, treatment or assembly of products and materials.

**INFILTRATION:** The percolation of water into the ground to provide water quality treatment, groundwater recharge and reduce the amount of storm water runoff.

**INFIRM OR AGED FAMILY MEMBER:** a person 65 years of age or older, or a recipient of Medicaid, or requiring assistance to perform some or all of the activities and tasks of daily living due to weakness or illness.

**INSTITUTIONAL USES:** The use of land under public or semi-public ownership that provides a benefit or service to the public. These uses shall include, but not be limited to schools, hospitals, churches, cemeteries, and fraternal organization meeting places.

**INTERIM USE:** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use. The Township Board may grant permission for an interim use of property if:

(1) the use conforms to the zoning regulations;

- (2) the date or event that will terminate the use can be identified with certainty;
- (3) permission of the use will not impose additional costs on the public if it is necessary for the public to take or remediate the property in the future; and
- (4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

**INTERNAL ACCESSORY DWELLING UNIT:** See ACCESSORY DWELLING UNIT, INTERNAL.

**JUNK YARD:** Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including but not limited to scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof. It does include uses established entirely within enclosed buildings. It does not include sanitary landfills that are licensed by Dakota County and meet all the requirements of the Dakota County Solid Waste Ordinance.

**KENNEL:** A structure used for the harboring of more than three (3) canine animals.

**LAND DISTURBANCE:** All activities that removes or buries vegetative covers, exposes soil areas and/or results in a change in surface topography including: construction activity, excavation, fill, grading, stockpiling soil, the construction of any structure, and/or any other activity that may cause or contribute to erosion or the movement of sediment. (Agricultural activities are not a land disturbance under this Ordinance. See Section 2 for other exempt activities.)

**LAND SURVEY:** The process of determining boundaries and areas of tracts of land.

**LANDLOCKED BASIN:** A basin that is one acre or more in size and does not have a natural or publicly maintained outlet at or below the calculated flood elevation.

**LID:** Low Impact Development – Site designs to reduce storm water impacts and mimic natural conditions.

**LIVESTOCK:** In accordance with Minnesota Statute 604A.12, “Livestock Activities:” cattle, sheep, swine, horses, ponies, donkeys, mules, hinnies, goats, buffalo, llamas, or poultry.

**LOCAL STREET/ROAD:** Local roads connect blocks and land parcels, and the primary emphasis is on land access. In most cases, local roads connect to other local roads and collectors. In some cases, they connect to minor arterials. Local roads serve short trips at low speeds.

**LOT:** A parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description as on a subdivision or record of survey map; for the purpose of sales or lease or separate use thereof.

**LOT AREA:** The surface area of a lot in a horizontal plane bounded by the lot lines.

**LOT, CORNER:** A lot situated at the junction of, and abutting on two or more intersecting streets, the interior angle of the street being less than one hundred thirty five degrees.

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line of a lot.

**LOT LINE:** The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line of such public right-of-way shall be the lot line for applying this Ordinance.

**LOT OF RECORD:** Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an Auditor's Subdivision or a Registered Land Survey, or a parcel of land not so platted, subdivided or registered but for which a Deed or Contract for Deed, Auditor's Subdivision or Registered Land Survey has been recorded in the office of the Register of Deeds or Registrar of Titles for Dakota County, Minnesota, prior to the effective date of this Ordinance.

**LOT, THROUGH:** A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

**LOT WIDTH:** The maximum horizontal distance between the side lot lines of a lot.

**MAJOR RECREATIONAL EQUIPMENT/VEHICLES:** A travel trailer, pickup coach, motorhome, camping trailer, or tent, which is either dependent and/or self-contained.

**MANUFACTURED HOME:** In accordance with U.S. Department of Housing and Urban Development (HUD) regulations, a factory-built home built prior to June 15, 1976, is a mobile home and one built after June 15, 1976, is a manufactured home. A manufactured home is 1) usually built in a factory and taken to the property where they are set up; 2) may be built on a metal frame instead of a crawlspace or basement; and may have tie downs in place of a permanent foundation. A manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section. .

**METALLIC:** Iron ore, copper, zinc, silver, gold, nickel, cerium, chromite, columbium, magnesite, molybdenite, vanadium and zircon.

**MINERAL:** A naturally occurring element or combination of elements; metallic, nonmetallic or mineral fuel that occur in the earth, but shall not include soil. Without limitation due to enumeration, the minerals of interest include:

**MINERAL FUEL:** petroleum, natural gas, coal, peat and nuclear fuel source materials.

**MINERAL EXTRACTION:** The excavation or recovery of metallic, nonmetallic, or mineral fuels through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods. It shall include the extraction of topsoil when such activities are undertaken or proposed to be undertaken as a distinct land use.

**MINING:** The excavation, removal, storage or processing of sand, gravel, rock, soil, clay, or other deposits. Mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

- A. Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued
- B. On-site construction of approved roads, sewer, lines, storm sewers, water mains, surface water drainage approved by the local unit of government, conservation purposes, sod removal, or other public utilities
- C. Landscaping purposes on a lot used or to be used as a building site.
- D. Grading/excavation of less than 1 acre of land in conjunction with improvement of a site for lot development.

**MINING, DRILLING, DIGGING, QUARRYING:** All or part of the process involved in the extraction and processing of mineral materials. Such activities shall normally be divided into four distinct phases:

**MINING OPERATION:** The removal from the land of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other material for commercial, industrial, or governmental purposes.

**MOBILE HOME:** In accordance with U.S. Department of Housing and Urban Development (HUD) regulations, a factory-built home built prior to June 15, 1976, is a mobile home and one built after June 15, 1976, is a manufactured home. A mobile home is 1) usually built in a factory and taken to the property where they are set up; 2) may be built on a metal frame instead of a crawlspace or basement; and may have tie downs in place of a permanent foundation. . .

: . **MOTEL/HOTEL:** A structure or group of structures used primarily for the temporary residence of motorists or travelers.

**MOTOR HOME:** A portable structure constructed as an integral part of a self-propelled vehicle designed and used for temporary living and housekeeping purposes. Including school buses converted and vans.

**MPCA:** Minnesota Pollution Control Agency – Administrator of the NPDES permit program.

**MULTIPLE FAMILY DWELLING/APARTMENT BUILDING:** Three or more dwelling units in one structure.

**MUNICIPAL SLUDGE:** Any fertilizer or by product made from, containing, or based on sludge from waste treatment plants or any private septic system or any human waste.

**NONCONFORMING USE:** A building, structure, parcel dimensions or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district or zone in which it is situated.

**NONMETALLIC:** stone, sand and gravel, clay talc, asbestos, graphite and marble.

**NOXIOUS WEED:** Any plant whose presence is deleterious to the agricultural community as determined by the County weed inspector.

**NPDES:** National Pollutant Discharge Elimination System – State permit program to protect water quality.

**NUISANCE CONDITION:** Any condition resulting in or likely to result in any damages, degraded water quality, increased erosion, unstable conditions, flooding, lack of easement, lack of capacity, disrepair and all threats to public health, safety and welfare.

**OFF-SITE SIGN:** Any sign not located on the lot of the use it advertises.

**ON-SITE SIGN:** Any sign located on the lot of the use it advertises.

**OPERATION:** mineral extraction and/or processing for commercial purposes, including such operations as aggregate or ready mix plants, mixing of asphalt, mining or drilling services, processing of top soil, washing, refining or processing of metallic, nonmetallic, or mineral fuel materials.

**OPERATOR:** The person, partnership, company, corporation or other business entity engaged in or proposing to engage in a mining operation. In the event the operator is not the owner of the land to be mined, then the owner's written consent shall be required.

**ORDINARY HIGH WATER (OHW):** The boundary of water basins, watercourses, public waters and public water wetlands and:

- (1) The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and

- (2) For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

**ORDINARY HIGHWATER MARK:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**OVERBURDEN:** Those materials that lie between the surface of the earth and the mineral deposit to be mined.

**OWNER:** An individual, firm, association, syndicate, co-partnership, corporation, trust, estate, leasee, or any other legal entity having sufficient proprietary interest in the land sought to be mined to commence and maintain proceedings to mine the same under these regulations.

**PERFORMANCE:** Those standards, operating conditions, reclamation standards, and Standards.

**PERFORMANCE STANDARD:** A criterion established to control appearance, noise, odor toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, waste and other potential impacts generated by or inherent in uses of land or buildings.

**PERSON:** Any individual, firm, association, syndicate or partnership, corporation, trust, estate, or any other legal entity.

**PERSONAL WIRELESS SERVICE:** Commercial mobile services, unlicensed-wireless services, and common carrier wireless exchange access services.

**PLANNED UNIT DEVELOPMENT:** A development generally having a mixture of land uses or a clustering of residences, planned as a single development, protecting and providing common and public open space maintained either by the owners of the development or a designated entity, and which may include a waiver of conventional dimensional standards applying to the development in exchange for higher site design standards, preservation techniques and other public benefit.

**PLANNING COMMISSION:** The planning commission of Sciota Township.

**PLAT:** The drawing or map of a division of land prepared for filing of record pursuant to Minnesota Statutes and local regulations.

**PRACTICAL DIFFICULTIES:** "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

**PRINCIPAL STRUCTURE OR USE:** The purpose or activity for which the land structure or building thereon is designed, arranged or intended or for which it is occupied or maintained.

**PRIVATE RECEIVING AND/OR TRANSMITTING ANTENNA:** Any antenna erected for the non-commercial use of information.

**PRIVATE ROAD:** A road serving as vehicular access to two or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

**PROCESS SERVER:** An unbiased third party person authorized by law or by a court to formally deliver process documents such as summonses, complaints, subpoenas, writs and other documents to a defendant or respondent.

**PROCESSING:** (Mining.) Any activity which may include the crushing, screening, washing, stockpiling, compounding, grading, mixing, or treatment of sand, gravel, rocks, or similar mineral products into consumable products such as construction grade sand, gravel, concrete, asphalt, and other similar products.

**PROSPECTING:** examination of an area for the purposes of determining the quality and quantity of minerals other than by exploration, but including the obtaining of samples by physical means.

**PUBLIC NUISANCE:** maintaining or allowing a condition or conditions which: (1) unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or (2) interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or (3) is guilty of any other act or omission declared by law to be a public nuisance. (2023 Minnesota Statutes 609.74)

**PUBLIC RECREATION:** See “Recreation, Public”.

**PUBLIC UTILITY:** Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of the Ordinance, personal wireless service shall not be considered public utility uses, and are defined separately.

**QUARTER SECTION:** An approximately 160 acre parcel of land constituting the northeast, northwest, southwest or south-east portion of a quarter section in the United States Government System of rectangular land survey.

**QUARTER - QUARTER SECTION:** A land area in the aliquot system description of the U.S. Public Land System consisting of one-sixteenth of a section (1/16 of one (1) square mile) of land, or approximately forty (40) acres in area.

**RECLAMATION:** Process by which an area physically or environmentally affected by mineral extraction activities is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.

**RECLAMATION, RESTORATION, REHABILITATION:** To renew land to a self-sustaining, long term use which is compatible with contiguous land uses and which process shall include the re-establishment of vegetation, soil stability.

**RECREATION, COMMERCIAL:** A privately owned business offering recreational facilities, services, or equipment for a fee, including but not limited to private golf courses, theaters, bowling alleys, boat launches, etc.

**RECREATION, PUBLIC:** Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

**REFUSE:** Combustible and noncombustible rubbish, including but not limited to paper, wood, metal, glass, cloth and products thereof; litter and street rubbish, ashes; and lumber, concrete and other debris resulting from the construction or demolition of structures.

**REGIONAL FLOOD:** A flood determined to be representative of large floods known to have generally occurred in Minnesota and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

**RETAIL, COMMERCIAL USE:** Any use of land and incidental structures used for the display and sale of goods and services including eating and drinking establishments.

**RUNOFF COEFFICIENTS (RCNs):** An assigned number used in hydrologic models to

represent the amount of precipitation that is not infiltrated into the surface upon which it falls. The higher the RCN; the greater the runoff amount.

**RUNWAY:** A level portion of an airport having a surface specially developed and maintained for the landing and take off of aircraft.

**SALVAGEABLE MATERIAL:** Inoperable and/or unlicensed vehicles, machinery or equipment, scrap metal or other junk or scrap materials, which are of further usefulness mainly as a raw material for reprocessing, or as imperfect stock from which replacement or spare parts can be extracted.

**SALVAGE YARD:** A solid waste disposal site or facility at which salvageable materials are stored or sold or at which wrecking, dismantling, or demolition of salvageable materials are conducted. Salvage yards do not include operations conducted by scrap metal, paper, fiber or plastic processors, or small storage areas for equipment such as are normally found adjacent to industrial and commercial establishments.

**SEASONAL:** A dwelling that is constructed uninstalled.

**SELF-CONTAINED RECREATIONAL EQUIPMENT/VEHICLES:** A recreational vehicle, which can operate independent of connections to sewer, water, and electric systems. Water storage and sewage holding tanks are located within the vehicle.

**SHORELANDS:** Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**SINGLE FAMILY DWELLING:** A free-standing (detached) permanent structure designed for habitation by human beings, designed for and occupied by one family, but not including motels/hotels.

**SIGN:** A sign is any structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

**SLOPE:** Slopes

10%	=	6°	=	10:1
18%	=	10°	=	6:1
25%	=	14°	=	4:1
33%	=	18°	=	3:1
50%	=	26°	=	2:1
100%	=	45°	=	1:1

**STOCKPILING:** Storage of processed or raw materials on the site of the sand, gravel or rock operation.

**STREET:** Includes streets, roads, avenues, or lanes.

**STRUCTURE:** Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and storage areas.

**STRUCTURAL ALTERATION:** Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

**STRUCTURE:** Any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape, and utility, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.

**SUBDIVIDER:** Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or building development, any subdivision or part thereof as defined herein.

**SUBDIVISION:** A division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or building development.

**SETBACK:** Means the minimum horizontal distance between a structure and a road, highway, or lot line as established in this Ordinance.

**SUBSTANDARD LOT:** A lot or parcel of land for which a deed has been recorded in the office of the Dakota County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of this Ordinance.

**SWCD:** Dakota County Soil and Water Conservation District

**SWPPP Storm Water Pollution Prevention Plan:** A project plan identifying the existing site conditions, the proposed work and specific actions to be taken to protect water quality per the NPDES permit.

**TENT:** A portable lodge of canvas or strong cloth stretched and supported by poles.

**TON:** Gravel weight: 0.5 to 1 inch diameter aggregate = 110<sub>LB</sub> x ft<sup>3</sup>. Ton stated as measure intended as approximation to yard.

**TOPSOIL:** That portion of the overburden soil closest to the surface and which supports the growth of vegetation.

**TOWER:** Any ground or roof mounted pole, spire, structure, or combination thereof taller than seventy five (75) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

**TOWNSHIP:** Sciota Township.

**TRAVEL TRAILER:** A portable vehicle less than 10 feet wide (transport configuration) by 50 feet long designed and used for temporary living and housekeeping purposes.

**TREE:** Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes, or plants which do not grow greater than a height of five (5) feet.

**UNCONFINED AQUIFER:** An aquifer not naturally protected by a confining bed, also known as the water table aquifer.

**UNNECESSARY HARDSHIP:** Circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

**USE:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or

**USE, NON-CONFORMING:** A use of land, building or structure lawfully existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any use of land, building, or structure lawfully existing prior to the adoption of an amendment which would not comply with all of the regulations

**USE, PERMITTED:** A use that may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such district.

**VARIANCE:** A modification, variation, or exception to the provisions of this housing and zoning code as applied to a specific piece of property. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Variances may only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan.

**VITICULTURE:** The growing of grapes or cultivation of grapevines.

**WAREHOUSE:** An enclosed building used principally for the storage of equipment and materials and/or including packing and crating.

**WETLANDS:** Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which have soils indicative of wet conditions.

**WETLAND/SHORELAND DISTRICT:** The zone district created as part of the shoreland zoning ordinance, comprised of lands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

**WHOLESALE, COMMERCIAL USE:** Any use of land or incidental structure used principally for the selling of goods, equipment or materials by bulk to another business, that in turn sells through retail outlets.

**WIRELESS COMMUNICATION FACILITY:** Any tower, antenna, and accessory support building.

**YARDS:** Gravel weight (2970<sub>LB</sub>) = 1 Cubic Yard

**YARD, FRONT:** An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

**YARD, REAR:** An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

**YARD, SIDE:** An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

**YEAR ROUND:** A dwelling that is constructed insulated, winterized. It may contain an inside water pressure system and it may be sewerred.

**ZONING ADMINSTRATOR:** That individual designated by the Township to administer this Ordinance.

**ZONING AMENDMENT:** A change in this Ordinance, authorized by the governing body, according to the procedures herein.

**ZONING DISTRICT:** An area or areas within the limits of the Township for which the regulations and requirements governing land use are uniform.

**Section 802: Effective Date**

This Ordinance will take effect and be in force after its passage and official publication.

Adopted this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ by the Town Board of Sciota Township, Minnesota

Duane Ness \_\_\_\_\_, Chairman

**ATTEST:**

Kristal McNamara \_\_\_\_\_, Township Clerk