

ARTICLE II -- RULES AND DEFINITIONS _____ **II**

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ARTICLE II – RULES AND DEFINITIONS

Section 2.00 RULES, WORD USAGE:

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

BOARD: The word “Board” includes the Town Board, Board of Supervisors, or any other word or words meaning the Salem Township Board of Supervisors.

BOARD OF ADJUSTMENT: The “Board of Adjustment” shall mean the Salem Township Board of Adjustment

BOARD OF HEALTH: The “Board of Health” shall mean the Olmsted County Board of Health.

COMMISSION: The “Commission” shall mean the Salem Township Planning and Zoning Commission.

COMPREHENSIVE PLAN: The “Comprehensive Plan” shall mean the General Land Use Plan for Salem Township.

FRACTIONS OF MEASUREMENTS: All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) or less, the integral foot next below shall be taken.

LOT: The word “lot” shall include the word piece, parcel and plot.

MASCULINE AND FEMININE GENDER: The masculine gender includes the feminine and neuter genders.

PERSON: The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

SHALL AND MAY: The word “shall” is mandatory and not discretionary; the word “may” is permissive.

SINGULAR AND PLURAL: Words used in the singular shall include the plural, and the plural the singular.

TENSES: Words used in the present tense shall include the future.

USED FOR: The word “used for” shall include the phrases arranged for, designed for, intended for, maintained for and occupied for.

Section 2.02 DEFINITIONS:

ACCESSORY BUILDING: A building detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY STRUCTURE: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal structure or use.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use located on the same lot as the principal use. Solar collection systems that serve the principal use and that generate power primarily for the principal use shall be considered accessory uses. Excess power may be sold to a power company.

ADULT: A person who is 18 years old or older. For the purposes of residential and nonresidential facilities an adult may have a mental illness, developmental disability, physical disability, functional impairment, or chemical dependency

ADULT BODY PAINTING STUDIO: An establishment or business, which provides the service of applying paint or other substance whether transparent or non-transparent to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”

ADULT BOOKSTORE: A business engaging in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, novelties, cd roms or other electronic media, videotapes, or motion picture film, if such business is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas”. The phrase “substantial or significant portion of such products”, as used in the definition of an adult bookstore means with respect to any building or buildings upon one Lot:

- A. twenty-five (25) percent of the inventory, stock and trade, or publicly displayed products, or the lesser of
- B. 1000 square feet or twenty-five (25) percent of the floor area of the business (not including storerooms, stock areas, bathrooms, basement, or any portion of the business not open to customers or clients), devoted to the products described above.
- C. In no event shall more than a total of 1000 square feet of floor area in any building or buildings upon a Lot be devoted to the public display of the products described above

ADULT CABARET: An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age, or such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of “specified sexual activities” or “specified anatomical areas”.

ADULT COMPANIONSHIP ESTABLISHMENT: A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or a “specified anatomical areas”.

ADULT ESTABLISHMENT: A business engaged in any of the following activities or which utilizes any of the following business procedures or practices; either:

- A. Any business which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage there at either by law or by the operators of such business.
- B. Any other business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities, or specified anatomical areas. Specifically included in the term, but without limitation, are adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

ADULT HOTEL OR MOTEL: Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

ADULT MASSAGE PARLOR, HEALTH CLUB: A massage parlor as required to be licensed or a health club which restricts minors by reason of age, and which provides the services of a massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

ADULT MINI-MOTION PICTURE THEATER: A business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual media material if such businesses as a prevailing practice excludes minors by virtue of age, or if said materials is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

ADULT MODELING STUDIO: An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

ADULT MOTION PICTURE ARCADE: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas”.

ADULT MOTION PICTURE THEATERS: A business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

ADULT NOVELTY BUSINESS: A business which has a principal activity the sale of devices which simulate human genitals or devices which are designed for sexual stimulation.

ADULT SAUNA: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

AGGREGATE EXTRACTION: Mining of aggregate material as defined by Minnesota Statute 298.75 involving the use of heavy vehicles.

ALTERATIONS: See Structure Alteration.

ANIMAL FEEDLOT: Land and/or buildings used for, or a building that has in the past five (5) years been used for the confined feeding, breeding, raising or holding of poultry or animals exceeding thirty (30) animal units and where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures are not considered animal feedlots.

ANIMAL FEEDLOT, NEW: An animal feedlot constructed and operated at site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for period of five (5) years or more.

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 different types of animals. For the purpose of this zoning ordinance, the animal unit of measure shall be the same unit of measure used in the current Minnesota Pollution Control Agency Rules Chapter 7020, relating to animal feedlots and storage, transportation and utilization of animal manure.

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

AO ZONE: An area of shallow flooding shown on the Olmsted County Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and undetermined, and where low velocity may be evident.

AREA: See Buildable Area, Floor Area or Lot Area.

ASPHALT CONCRETE PLANT: Any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with the asphalt cements; including dryers; systems for screening handling, storing and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer, and storage system associated with emission control system.

BASEMENT: Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

BERM: A mound of earth, or the act of pushing earth into a mound.

BIO SOLIDS: See Sewage Sludge

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

- A. Part or all of the entire feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- C. The grade or slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- D. The slope must drain toward the waterbody.

BLUFF IMPACT ZONE: A bluff and land located within 20 feet from the top of a bluff.

BUILDABLE AREA: The area of a lot remaining after the minimum yard requirements of this ordinance have been met.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or material of any kind.

BUILDING, ACCESSORY: See Accessory Building.

BUILDING HEIGHT: The vertical distance measured from the average ground elevation adjoining the front wall of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between the eaves and ridge of a gable, hip or gambrel roof.

BUILDING LINE: An imaginary line separating the buildable area and the required minimum yard.

BUILDING, PRINCIPAL: See Principal Building or Structure.

BUILDING, TEMPORARY: See Temporary Building or structure.

CAMPGROUND: A plot of ground upon which two or more camp sites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

CEMETERY: Property used for the interment of the dead.

CHILD: A person who has not reached the age of 18

CHURCH: A building where persons regularly assemble for religious service and which is maintained and controlled by an organized group for public worship.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS) specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

COMMISSIONER: "Commissioner" means the Commissioner of the Department of Natural Resources.

CONCENTRATING SOLAR POWER DEVICE (CSP): A device designed to receive solar radiation and convert it to thermal energy, with some systems converting the thermal energy into electrical energy. Normally, a solar thermal collector includes a frame, glazing, and an absorber, together with appropriate insulation. The heat collected by the solar collector may be used immediately or stored for later use. Solar collectors are generally used for space heating; domestic hot water heating; and heating swimming pools, hot tubs, or spas. This definition also includes systems of mirrors that including tracking and focus sunlight onto receivers located at a focal point. The receivers may be thermal or photovoltaic.

CONDITIONAL USE: A use that would not be appropriate generally but may be allowed with appropriate restrictions upon finding that certain conditions and criteria exist and that the use is compatible with the neighborhood.

CONTRACTOR: An individual or company which supplies materials and equipment and/or performs services in construction activities such as the erection, maintenance, or repair of structures, the development of improvements such as sewer, water and streets or specialized activities such as landscaping, painting, plumbing and the like.

CONTRACTOR'S EQUIPMENT: Materials, machinery, supplies and vehicles used by a contractor in conjunction with construction related activity.

CONTRACTOR'S YARD: An area on a lot, either open or enclosed where contractor's equipment is left on a regular basis when not stored on a job site. This definition is not meant to apply to vehicle, which does not have a commercial (Y-type) license and is rated less than 12,000 pounds gross vehicle weight, parked overnight on a driveway area, when it is neither loaded nor unloaded at that location and when it is used primarily for transportation to and from the job site.

CORNER LOT: A lot abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

COVERAGE: See Lot Coverage.

CROP EQUIVALENT RATING: A soils rating system developed by the Soils Conservation Service based on the net value (gross value of crops minus production costs) of their productivity for commonly grown crops of the area. Commonly grown crops are corn, soybeans, small grains, hay and permanent pasture.

DECK: A horizontal unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above the ground.

DEPTH: See Lot Depth.

Development: Any man made change to improved or unimproved real estate, including a change in use or the creation of a subdivision.

DEVELOPMENT SITE: For single family attached dwellings involving three or more buildings and for multiple family dwellings, those lot areas, along with any associated common open space identified in the open space plan required by Section 10.38, that are to be used to justify the density limitation established for the zoning district where the projects are to be located.

DEVELOPMENTALLY DISABLED: A person as defined by M.S. 252A.02. Subd 2.

DISTRICT, ZONING: See Zoning District.

DWELLING: Any building or portion thereof which contains one or more dwelling units not including buildings containing rooms for transient guests such as a hotel or motel, or a temporary or transient structure such as a tent, trailer, or travel trailer.

DWELLING, FARM: See Farm Dwelling.

DWELLING, MOBILE HOME: See Mobile Home.

DWELLING, MULTIPLE FAMILY: A building containing three or more dwelling units.

DWELLING, NON-FARM: See Non-Farm Dwelling.

DWELLING, SINGLE FAMILY: A building containing only one dwelling unit.

DWELLING, SINGLE FAMILY ATTACHED: A building containing a single family dwelling, attached at the side or sides in a series of two or more principal buildings, each containing not more than a one-family dwelling.

DWELLING, SINGLE FAMILY DETACHED: A single-family dwelling surrounded by open space or yards, which is not attached to any other building, which is permanently attached to and supported by a permanent frost depth foundation system, and has a minimum dimension of not less than twenty two (22) feet at the first floor level of the dwelling. In addition, the requirements of Section 10.01 must be complied with under the provisions of Minnesota Statutes, Chapter 394.25; nothing herein shall prevent a manufactured home that meets the above mentioned criteria from being considered a single family detached dwelling.

DWELLING SITE: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING, TWO FAMILY: A building on a single lot containing two single family dwellings which are totally separated from each other by an unpierced wall extending from ground to

roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT: A room or rooms connected together, constituting a separate independent housekeeping establishment for a family (for owner occupancy or rental, lease or other occupancy on weekly or longer terms), physically separated from any other rooms or dwelling units that maybe in the same structure, and containing its own independent kitchen and sleeping facilities, but not including temporary housing such as recreational vehicles, etc.

EASEMENT: A grant of one or more of the property rights by the property owner to and /or for the use by the public, a corporation, or another person or entity.

EQUAL DEGREE OF ENCROACHMENT: A method of determining the location of floodway boundaries so that the flood plain lands on both sides of a stream are capable of conveying a proportionate share of the flood flows.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance of underground, surface or overhead electrical, gas, steam, water and sewerage transmission and collection systems, and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service, but not to include any buildings.

FAMILY: One or more persons related by blood, marriage, or adoption, including foster children or a group of not more than five persons (excluding servants) some or all of whom are not related by blood, marriage, or adoption, living together and maintaining a common household.

FARM: A lot used for agricultural or horticultural uses comprised of either at least eighty (80) acres or two (2) contiguous and undivided quarter-quarter sections in the A-1 Agricultural Zoning District or being at least thirty-five (35) acres in size in the other Zoning Districts. For the purpose of determining a farm, a quarter-quarter section separated by only a public right-of-way shall be considered as an undivided quarter-quarter section.

FARM DWELLING: One single-family detached dwelling or mobile home located on a farm.

FARMSTEAD: A rectangular area surrounded by a farmstead boundary, which contains a farm dwelling and may contain other buildings which are or have been used for farming uses. In some instances minor amounts of tilled acreage or pasture land would be contained within the boundary to enable a rectangular boundary to be established.

FARMSTEAD BOUNDARY: An imaginary line separating a farmstead from tilled land and pasture land. For the purposes of this ordinance said tilled and non-tilled acreage or a reasonable area encompassing existing farm buildings to ensure compliance with the yard requirements of this ordinance.

FARMSTEAD DWELLING: A dwelling which on April 16, 1983 was located upon a farm, as defined by this ordinance, but subsequently subdivided from that farm onto a non-farm lot which does not conform to the standards for non-farm dwellings within the district where located.

FEEDLOT: See Animal Feedlot.

FILL: Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans.

FLOOD, FRINGE: That portion of the flood plain outside the floodway.

FLOOD PLAIN: The land adjacent to a body of water which has need or may be hereafter covered by flood water, including that land covered by the Regional Flood.

FLOOD PROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate, water and sanitary facilities, structures and their contents.

FLOOD PROTECTION ELEVATION: A level one (1) foot above the Regional Flood plus any increase in flood level that would be caused by the future flood plain development outside the floodway.

FP1, FP2, FP3, FP4, FP5: Different classifications of flood proofing measures as defined by the State Building Code.

FLOOD, REGIONAL: See Regional Flood.

FLOODWAY: The minimum channel of a watercourse and those portions of the flood plain adjoining the channel that are required to discharge the Regional Flood.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

FOREST LAND CONVERSION: The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

FRONT LOT LINE: See Lot Line, Front.

FRONT YARD: See Yard, Front.

GARAGE: A building or part thereof used for storage of vehicles.

GLARE: The sensation produced within the visual field by luminance that is sufficiently greater than the luminance to which the eyes are adapted, causing annoyance, discomfort, or loss in visual performance and visibility. For the purposes of this ordinance glare is reflected sunlight. Glare is an effect that causes a loss of or reduced contrast that results in vision being obscured.

HAUL ROUTE: The set of public roads used for transporting materials in heavy commercial vehicles, extending from the access onto the first abutting public road of the property from which the heavy vehicle traffic originates, to the final destination, or to a state highway constructed to a ten-ton standard that leads to the final destination.

HEIGHT: See Building Height

HIGHWAY: See Road.

HOME BUSINESS: An occupation with all of the following characteristics:

- conducted as an independent business or franchise,
- conducted on a property whose principal use includes a residence, whether in a residential or agricultural zoning district,
- conducted principally by the occupants of the dwelling, and
- in which the home business is clearly incidental and secondary to the principal agricultural or residential use of the property.

The term does not apply to work conducted within a dwelling by an employee of an off-site enterprise customarily referred to as telecommuting.

HOTEL: See Motel.

INTENSIVE VEGETATION CLEARING: The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

INTERIOR: See Lot, Interior.

INTERIOR SIDE LOT LINE: See Lot Line, Interior Side.

INTERIOR SIDE YARD: See Yard, Interior Side.

INTERIM USE: A use that would not be appropriate generally but may be allowed with appropriate restrictions upon finding that certain conditions and criteria exist and that the use is compatible with the neighborhood. A use that does not require a significant monetary investment or the use of equipment or structures that would not generally be used for other uses allowed within the district. The permits if appropriate shall be limited with a condition to a specified date, and/or occurrence of a particular event, at which time the permit will end. An

interim use may be used in any zoning district where a conditional use permit is allowed if it is deemed as appropriate by the Zoning Administrator or the Town Board. No Interim Use can be used without the full consent and approval of the applicant.

JUNK YARD: See Salvage or Junk Yard.

KENNEL: Any lot or building on which five (5) or more dogs, cats, or other common household pets, that are six months of age or older, are kept permanently or temporarily boarded.

LANDSPREADING: The placement of waste or waste by-products as defined by Minnesota Statutes, Section 115A.03 Subdivision 34 on or incorporated into the soil surface. Waste may include but not limited to petroleum contaminated soil, pesticide contaminated soil, and sewage sludge.

LANDSPREADING FACILITY: Any land that is used for sewage sludge landspreading and is owned, leased, or rented by the political subdivision generating the sewage sludge.

LANDSPREADING SITE: Any land used for the spreading of waste or waste-by-products, as defined by Minnesota Statutes, Section 115A.03, Subdivision 34, including petroleum contaminated soil, pesticide contaminated soil, and sewage sludge. It does not include the spreading of animal waste that is used as fertilizer or septage from individual sewage treatment systems.

LICENSED SHOOTING PRESERVE: Permitted shooting reserve as licensed by Minnesota Department of Natural Resources.

LOT: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

LOT AREA: The area of a horizontal plane bounded by the front, side or rear lot lines, but not including any area occupied by the waters of lakes or rivers or by public right-of-ways, unless otherwise provided.

LOT, CORNER: See Corner Lot.

LOT COVERAGE: That part or percentage of a lot occupied by structures, including accessory structures.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a right-of-way or any other public space.

LOT LINE, FRONT: The lot line separating the lot from the road right-of-way.

LOT LINE, INTERIOR SIDE: Any lot line, other than a front or rear lot line, which separates a lot from another lot.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE STREET: Any lot line, other than a front, rear or interior side lot line, which separates the lot from a road or street.

LOT, NON-FARM: See Non-Farm Lot.

LOT, THROUGH: See Through Lot.

LOT OF RECORD: Any legally recorded lot that at the time it was recorded, fully complied with all applicable laws and ordinances.

LOT OF RECORD, NON-CONFORMING: See Non-Conforming Lot of Record.

LOT WIDTH: The horizontal distance between the side lines of a lot, measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line for the principal building.

MANURE STORAGE FACILITY: A manufactured manure storage structure, detention pond, sedimentation terrace, or manure catchment basin.

MANUFACTURED BUILDING: Has the following features or characteristics; it is:

- A. Mass produced in a factory.
- B. Designed and constructed for transportation to a site for installation and use when connected to required utilities;
- C. Either an independent, individual building or a module for combination with other elements to form a building on the site.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

MANUFACTURED HOUSING: A manufactured building or portion of a building designed for long-term residential use.

MOBILE HOME: Manufactured housing built on a chassis.

MOBILE HOME COMMUNITY: A mobile home park or a mobile home subdivision.

MOBILE HOME PARK: A parcel of land under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use.

MOBILE HOME SUBDIVISION: A subdivision designed to accommodate mobile homes on individual lots.

MOTEL OR HOTEL: A business comprising a series of attached or detached rental units, with or without eating facilities, used primarily as temporary residences for motorists, tourists or travelers.

MULTIPLE FAMILY DWELLINGS: See Dwelling, Multiple Family

NON-BUILDABLE LOT: A lot, which is not permitted to have a dwelling of any kind erected or placed upon said lot.

NON-CONFORMING LOT OF RECORD: Any legal lot of record that at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this zoning ordinance concerning minimum area or minimum lot width.

NON-CONFORMING STRUCTURE: A structure the size, dimensions or location of which was lawful prior to the adoption of this zoning ordinance but which fails by reason of such adoption, or subsequent revision or amendment, to conform to the present requirements of the zoning district.

NON-CONFORMING USE: A use or activity which was lawful prior to the adoption of this zoning ordinance but which fails, by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.

NON-FARM DWELLING: A single-family detached dwelling or mobile home located on a lot, which does not qualify as a farm.

NON-FARM LOT: A lot which does not qualify as a farm.

NON-RESIDENTIAL FACILITY: For the purposes of the zoning ordinance a non-residential facility includes licensed adult day care, family adult day care services, drop in child care, school age child care program, and family day care.

OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill structure or matter in, along, across, or projection into any channel, water course or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

OFFENDER TRANSITIONAL HOUSING: A dwelling unit or one or more habitable units in a rooming house or hotel designed, intended, or used principally to provide short-term housing to offenders on supervised release or conditional release who are receiving housing assistance from the Minnesota Department of Corrections or Olmsted County Community Corrections and/or who are required to live in the housing as a condition of their release. "Offender transitional housing" does not include housing declared by state law to be a permitted single-family residential use. The term "short-term" shall mean a period of time not exceeding one year. A dwelling or lodging facility owned by the offender or a member of the offender's immediate family shall not be considered offender transitional housing.

OFFICIAL ZONING MAP: The map or maps, which are part of this ordinance and delineate the boundaries of the zoning districts.

ORDINARY HIGH WATER LEVEL: The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

PARCEL: A lot as defined (See "LOT")

PASTURES: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing

season except in the immediate vicinity of temporary supplemental feeding or watering devices.

PAVED SURFACE: A hard, smooth surface which is made from concrete, asphalt, paving bricks, or similar durable permanent material. Paved surfaces may be pervious or impervious

PERMITTED USE: A use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON: A child or adult as defined in the ordinance.

PHOTOVOLTAIC DEVICE: An electronic device consisting of layers of semiconductor materials fabricated to form a junction (adjacent layers of materials with different electronic characteristics) and electrical contacts and capable of converting incident light directly into electricity (direct current).

PRIME CROP LAND: Land which has been determined by the Agricultural Stabilization and Conservation Committee to be cropland, having a crop equivalency rating of 60 or greater.

PRINCIPAL BUILDING OR STRUCTURE: The primary or predominant building or structure on any lot.

PRINCIPAL USE: The primary or predominant use of any lot.

PUBLIC SEWER AND WATER SYSTEM: A system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment and disposal of wastes and the furnishing of potable water.

PUBLIC UTILITY: A closely regulated private enterprise with an exclusive franchise for providing a public service.

PUBLIC UTILITY FACILITIES: Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations, and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility. For the purposes of this ordinance commercial wireless telecommunication service facilities shall not be considered a public utility uses, and are defined separately.

PUBLIC WATERS: Any waters as defined in Minnesota Statutes, Section 105.37, Subdivisions 14 and 15.

QUARTER AND QUARTER-QUARTER SECTION: A division of a section of land according to the rules of the original United States Governmental Public Land Surveyor.

REACH: A hydraulic engineering term to describe a longitudinal section of a stream or river influenced by a natural or man-made obstruction.

REAR LOT LINE: See Lot Line, Rear.

REAR YARD: See Yard, Rear.

RECREATIONAL VEHICLE: A temporary structure, less than forty (40) feet in length, which can be towed, hauled or driven and is primarily designed as temporary housing accommodations for recreational, camping or travel use, including but not limited to travel trailers, truck campers, camping trailers and self propelled motor homes.

REGIONAL FLOOD: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur with an average frequency in the magnitude of a one hundred (100) year recurrence interval.

Residential Facility: For the purposes of the zoning ordinance a residential facility includes licensed residential programs and housing with services establishment registered under M.S. chapter 1440. Offender transitional housing is not considered a residential facility for the purposes of this ordinance

RESORT: A facility for transient guests where the primary attraction is generally recreational features or activities.

RIGHT- OF- WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, and other similar uses.

RIGHT-OF-WAY LINES: The lines that form the boundaries of a right of way.

ROAD: A public right-of-way, or a private right-of-way or easement serving two or more buildable non-farm lots, affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise.

ROAD USE AGREEMENT: An agreement between a developer or property owner and a road authority identifying the road improvements, road impacts, and impact mitigation and remediation measures necessary to preserve the condition of road infrastructure and to make such improvements as may be necessary to handle the volume, weight, size, turning radius, and other attributes of the truck traffic generated by a land use. The Agreement may address, but is not limited to, any of the following road infrastructure matters:

1. Responsibility for upgrading
 - a. Pavement sections, bridges, and culverts structural condition

- b. Geometric design, including entrances, intersections, railroad and pedestrian/bicycle facility crossings, geometric design of bridges and culverts, and typical road cross-sections;
2. Responsibility for exceptional maintenance attributable to the use, estimated based on Minnesota Local Road Research Board (LRRB) Pavement Impacts of Large Traffic Generators methodology;
3. Responsibility for clean-up of spillage and public road dust control along haul routes;
4. Establishment of financial accounts to address costs associated with upgrading and exceptional maintenance costs;
5. Delineation of haul routes;
6. Schedules of operation and hauling, including construction operations;
7. Methods to verify and report type, number, and weight of truck loads;
8. Emergency conditions creating a need for immediate road repairs or road closing;
9. Required insurance; and
10. Remedies and enforcement measures.

SALEM TOWNSHIP BOARD OF ADJUSTMENT: The members are appointed by the Salem Town Board (See Section 3.14).

SALEM TOWNSHIP LAND USE PLAN: See Comprehensive Plan under Section 2.00, Rules, Word Usage.

SALVAGE OR JUNK YARD: An area where used, waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled; including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles and lumber. Storage of such materials in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

SCHOOL: A public school as defined in Minnesota Statutes, Section 120.05 or a nonpublic school as defined in Minnesota Statutes, Section 123.932.

SEMIPUBLIC USE: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENSITIVE RESOURCE MANAGEMENT: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK: The minimum horizontal distance between a structure and the nearest property line or highway easement line; within shoreland districts it shall also mean the minimum horizontal distance between a structure and the ordinary high water mark.

SETBACK LINE: That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

SEWAGE SLUDGE: “Sewage Sludge” means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes but is not limited to, scum or solids sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. Sewage sludge that is acceptable and beneficial for recycling on land as a soil conditioner and nutrient source is also known as bio solids.

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 percent of the structure setback.

SHORELAND: Land located within the following distances from public waters: 1,000 feet from the normal high water mark of a lake, pond or flowage; and 300 feet from a river or stream or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources.

SIDE STREET YARD: See Yard, Side Street.

SIDE YARD: See Yard, Side.

SIGN: An object, device, display, structure or part thereof, situated outdoors or indoors, which is displayed to attract the attention of the public while on public streets, highways or walkways to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected image. Signs do not include flags of any nation, state, city, religion, fraternal or civic organizations, merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, scoreboards on athletic fields, sound trucks or other moving advertising media while operated on a public right-of-way, official traffic signs or symbols, banners announcing civic celebrations or events of special interest, mounted house numbers under 12 inches in height, mounted name plates or building address numbers under six square feet in area identifying the occupants or address of a building, or address or public information signs displayed for the convenience of the traveling public, when established by a public pattern which by themselves would not convey a message about a business or product without other sign elements present.

SIGN, GENERAL ADVERTISING: A sign that directs attention to a business, service, event, product or location not related to or on the premises where the sign is located.

SIGN, DIRECTIONAL ADVERTISING: A sign that directs attention to a business, service, or location not related to or on the premises where the sign is located.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted or to a commodity or service sold, offered or manufactured, or to an entertainment offered, on the premises where the sign is located.

SIGNIFICANT HISTORIC SITE: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SINGLE FAMILY ATTACHED DWELLING: See Dwelling, Single Family Attached.

SINGLE FAMILY DETACHED DWELLING: See Dwelling, Single Family Detached.

SINGLE FAMILY DWELLING: See Dwelling, Single Family.

SOLAR COLLECTION SYSTEM: A panel, array of panels or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating. These systems can include photovoltaic devices, concentrating solar power devices and other systems for the collection of solar energy. Such systems may provide power primarily to the principal use on a property and considered accessory to the principal use, or the facility may be the principal use of a property.

SOLAR ENERGY FARM: A group of interconnected solar collection systems connected to a public or private utility system through a system of transformers, distribution lines, which may include a substation. Operation, control, and maintenance functions are often centralized through a network of computerized monitoring systems, supplemented by visual inspection. This definition does not apply to solar collection systems that are constructed to serve an individual residential, commercial or industrial property not involved with electric power production. Offices, maintenance facilities, and equipment storage are not considered part of a solar energy farm.

SPECIFIED ANATOMICAL AREAS: Anatomical areas consisting of:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and

- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Activities consisting of the following:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphis, zoerasty; or
- B. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- C. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
- D. Fondling or touching of nude human genitals, pubic region, buttocks, or female breasts; or
- E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
- F. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal or anal irrigation.

STATE BUILDING CODE: The Minnesota State Building Code, setting forth standards for the construction, addition, modification, and repair of buildings and other structures for the purpose of protecting the health, safety and general welfare of the public.

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

STREET: See Road

STRUCTURE: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 9.04 (A.3) of this ordinance and similar items.

STRUCTURE, ACCESSORY: See Accessory Structure.

STRUCTURE ALTERATION: Any changes in the supporting members of any building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof and exterior walls.

STRUCTURE, NON-CONFORMING: See Non-Conforming Structure.

STRUCTURE, PRINCIPAL: See Principal Structure.

STRUCTURE, TEMPORARY: See Temporary Structure.

SUB-STANDARD SHORELAND USE: Any use in the shoreland district existing prior to the date of enactment of this zoning ordinance which was permitted but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the shoreland district.

SUPERVISED LIVING FACILITY: A facility providing lodging plus supervision, counseling, or rehabilitative services to five or more persons and licensed as such under Minnesota State Health Code.

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 conduct of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

SWIMMING POOL, PRIVATE: A structure, not located within a completely enclosed building, for swimming or bathing purposes, which is capable of containing water at a depth of one and one half (1-1/2) feet or greater.

SWIMMING POOL, ABOVE GRADE: A swimming pool whose exposed sides have a height of four (4) feet or greater above the natural ground located adjacent to said swimming pool.

SWIMMING POOL, BELOW GRADE: A swimming pool whose exposed sides have a height of less than four (4) feet above the natural ground located adjacent to said swimming pool.

TEMPORARY BUILDING OR STRUCTURE: A building or structure without any foundation or footings and which shall be removed when the designated time period, activity or use for which the temporary building or structure was erected has ceased.

TEMPORARY USE: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

THROUGH LOT: A lot having frontage on two (2) parallel roads or which fronts upon two streets, which do not intersect at the boundaries of the lot.

TOE OF THE BLUFF: The lower point of a 50-foot segment with an average slope exceeding 18 percent.

TOP OF THE BLUFF: The higher point of a 50-foot segment with an average slope exceeding 18 percent.

TOWER: Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 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 COOPERATIVE PLANNING ASSOCIATION (“TCPA”): The association of townships, including Salem Township, which have agreed to coordinate and cooperate planning and which have jointly employed a Zoning Administrator and staff to carry out some of the administrative functions.

TWO FAMILY DWELLING: See Dwelling, Two Family.

UNIT: See either Animal Unit or Dwelling Unit.

USE: The purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained

USE, ACCESSORY: See Accessory Use.

USE, CONDITIONAL: See Conditional Use.

USE, NON-CONFORMING: See Non-Conforming Use.

USE, PERMITTED: See permitted Use.

USE, PRINCIPAL: See Principal Use.

USE, TEMPORARY: See Temporary Use.

VARIANCE: A modification or variation of the strict provisions of this zoning ordinance, as applied to a specific piece of property, in order to provide relief for a property owner because of undue hardship or particular difficulty imposed upon him by this ordinance. A variance shall normally be limited to height, bulk, density and yard requirements. A modification in the allowable uses within a district shall not be considered a variance.

Variance, Area: An Area Variance permits a reduction in standards applying to site design and operations including but not limited to setback lines, frontage requirements, height limitations, lot size restrictions, off-street parking, yard requirements, and similar restrictions on the site design of a development on a lot including but not limited to lighting, bufferyards, screening, and hours of operations, which do not change the character of the zoning district and will alleviate or remove a practical difficulty otherwise affecting development of the lot. Area variances do not involve a use that is not permitted under the zoning district classification for the property in question, nor a change in use characteristics (such as density) that are equivalent to a change in zoning district classification.

VARIANCE, USE: A Use Variance permits a use of land, or a change in use characteristics (such as density), other than those expressly authorized by the zoning regulations. Minnesota Statute 394.27, subd. 7, or as amended, prohibits the granting of a variance for any use that is prohibited under the zoning classification for the subject property.

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, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WECS, large (LWECS): A large wind energy conversion system (LWECS) as defined in Minnesota Statute 216C, as amended (“... any combination of WECS with a combined nameplate capacity of 5,000 kilowatts or more”).

WECS METEOROLOGICAL TOWER: A tower which is erected primarily to measure wind speed, density, and direction along with other data relevant to siting WECS.

WECS, SMALL (SWECS): A small wind energy conversion system (SWECS) as defined in Minnesota Statute 216C (“... any combination of WECS with a combined nameplate capacity of less than 5,000 kilowatts”).

WECS, SMALL NON-UTILITY: A facility consisting of a single WECS which is incidental and subordinate to a permitted use on the same parcel and that has a rated generating capacity of 100 kW or less which supplies electrical power for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, generated electrical power may be transferred to the utility company.

WECS, SMALL UTILITY: A SWECS with more than one WECS; or any SWECS which is intended to produce electricity primarily for sale to a rate-regulated or non-regulated utility, or

primarily for use off site; or any SWECS that has a combined generating capacity of more than 100 kW and less than an LWECS. The SWECS is considered a primary use of the site.

WETLAND: A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

WIDTH: See Lot Width.

Wind energy conversion system (WECS): A wind energy conversion system as defined in Minnesota Statute 216C, as amended (“... any device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electrical energy”).

WIND TURBINE: A machine used to produce electricity by converting the kinetic energy of wind to electrical energy. A turbine consists of a rotor, nacelle and tower.

WOODED OR WOODLAND: An area with a stand or trees that has a canopy cover, as shown on the most recent aerial photographs, of at least fifty (50%) percent, being at least one (1) acre in size and having a minimum width of at least one hundred (100) feet.

YARD: A required open space on a lot which is unoccupied and unobstructed by a building from its lowest ground level to the sky except as expressly permitted in this ordinance. A yard shall extend along a lot line and at right angles to such a lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is in the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

YARD, INTERIOR SIDE: The side yard abutting another lot.

YARD, REAR: A yard extending across the full width of the lot between the rear line and the nearest line of the principal building.

YARD, SIDE: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

YARD, SIDE STREET: A side yard abutting a road or street right-of-way.

YOUTH FACILITY: A public playground, public swimming pool, public library, or licensed day care facility.

ZONING ADMINISTRATOR: The staff administrator of the Township Cooperative Planning Association (TCPA).

ZONING CERTIFICATE: A document signed by the Salem Township Zoning Administrator required in the zoning ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of this zoning ordinance or authorized variance there from.

ZONING DISTRICT: A specifically delineated area in the township within which regulations and requirements uniformly govern the use, placement, spacing and size of land and structure.

ZONING MAP: See Official Zoning Map.