

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.11 Purpose

Kasson, MN Code of Ordinances

TITLE XV: LAND USAGE

CHAPTER 150 DEFINITIONS

ARTICLE 01 DEFINITIONS

PART 1 PURPOSE

150.01.11 Purpose

- (A) The language set forth in the text of this Title shall be interpreted in accordance with the following rules of construction:
- (1) The singular number includes the plural and plural the singular;
 - (2) The present tense includes the past and the future tenses and the future the present;
 - (3) The word "shall" is mandatory while the word "may" is permissive; and
 - (4) The masculine gender includes the feminine and neuter.
- (B) For the purpose of this Title, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words not defined have the meaning given by the latest edition of Merriam-Webster's Collegiate Dictionary.

PART 2 DEFINITIONS

150.01.21 A.

ACCESSORY DWELLING UNIT. A self-contained dwelling unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is located within or attached to an existing residential dwelling.

ACCESSORY STRUCTURE [BUILDING]. A structure detached from a principal structure located on the same lot and customarily incidental and subordinate to the principal structure or use.

ACCESSORY USE. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ALLEY. A service roadway, dedicated to the public, providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change or rearrangement in the supporting members of any existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or demolition of a building or a

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.22 B.

structure, whether horizontally or vertically, or the moving of a building or a structure from one location or another.

AMENITY. A natural or created feature that enhances the aesthetic quality, visual appeal or makes more attractive or satisfying a particular property, place or area (such as flowers, trees, architecture, cleanliness or paint).

ANIMAL [PET] SERVICES. Establishments primarily engaged in the sale, grooming, retail of supplies or veterinary care of pets/non-agricultural animals; these uses do not include boarding of animals (see KENNELS).

ANNEXATION. The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

ANTENNA. Any device or equipment used for the transmission or reception of electromagnetic waves, which may include omni-directional antenna, directional antenna or parabolic antenna.

APPURTENANCES. The visible, functional or ornamental objects accessory to and part of buildings.

AUTOMOBILE FUEL STATION/SERVICE STATION. The retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories.

AUTOMOBILE REPAIR, MAJOR. General repair, rebuilding or reconditioning engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, overall painting or paint job; vehicle steam cleaning.

AUTOMOBILE REPAIR, MINOR. Minor repairs, incidental body and fender work, painting and upholstering, replacement or parts and motor services to passenger automobiles and trucks not exceeding 9,000 pounds gross weight, but not including any operation specified under "automotive repair-major".

AUTOMOBILE WRECKING YARD. Any place where damaged, inoperable, or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled, or handled.

150.01.22 B.

BAR [TAVERN]. Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASEMENT. The portion of a building which is wholly or one-half or more below the average grade of the ground level adjoining the building. If the height from the average grade level to the first tier of floor beams or joists is five feet or more, the **BASEMENT** shall be considered a story.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.22 B.

BED AND BREAKFAST [GUEST HOUSE or TOURIST HOME]. Any dwelling providing certain rooms in excess of those used by members of the family, as herein provided, which are rented primarily to the traveling public, on a short term basis, customarily overnight or for a weekend.

BLOCK. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to continuity of development.

BOARD OF ADJUSTMENTS AND APPEALS. The Board of Adjustments and Appeals shall be composed of the members of the City Council as authorized by M.S. § 462.354, Subd. 2, as may be amended from time to time.

BREWERY. Establishments that brew, bottle, and sell ales, beers, meads, and/or similar malt liquors.

BREW PUB. A small brewery accessory to a bar or restaurant, generally limited to selling its beer for consumption on the premises where it is brewed, excepting only “growlers” for off-site consumption as defined by M.S. § 340A.101, as may be amended from time to time.

BUFFERYARD. A combination of open spaces, landscaped areas, fences, walls, berms used to physically separate and screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

BUILDABLE AREA. The area of a lot remaining after the minimum yard and open space requirements of Chapter 154 have been met.

BUILDING. Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or chattel of property of any kind. Any portion completely separated from every other part of a building by division walls from the ground up and without openings, shall be deemed as a separate building.

BUILDING COVERAGE. The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

BUILDING LINE. A line parallel to the street line touching that part of a building closest to the street.

BUILDING OFFICIAL. The authorized representative of the City, licensed by the state, to enforce the State Building Code.

BUILDING RECORDS. Includes such items as new construction permits; new construction building inspection records; building permits for the alteration or remodeling of structures; inspection records for the alteration or remodeling of structures; and building permit and inspection records for the repair of damaged structures.

BUILDING SETBACK LINE. See **SETBACK LINE.**

BUILDING SERVICES. Establishments primarily engaged in the retail of hardware and similar supplies for home building or repairs as well as services related to such supplies; examples

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.23 C.

include, but are not limited to: plumbing, heating, and electrical sales/show rooms, paint wallpaper/home decorating supplies.

BUSINESS SERVICES. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services, equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

150.01.23 C.

CERTIFICATE OF SURVEY. A correct representation of a survey, showing all distances correctly and the placement of all monuments and boundaries correctly, which is prepared and signed by a registered land surveyor under the laws of the state.

CHILD. An individual 12 years of age or younger.

CHILD CARE FACILITY. A place (or building) other than the child's dwelling in which care, supervision and guidance of a child unaccompanied by parents, guardian or custodian is provided on a regular basis for a period of less than 24 hours a day, whether operated for profit or nonprofit.

CHURCH. See **PLACE OF WORSHIP.**

CLINIC. An institution providing diagnostic, therapeutic or preventive treatment of humans by either doctors, physicians, dentists, other medical personnel, psychologists or social workers or a combination thereof, acting in concert and in the same building, where patients are not usually lodged overnight.

CO-LOCATION. The location of more than one antenna or set of antennas on the same wireless communication tower or structure.

COLUMBARIUM. A vault with niches for urns containing ashes of cremated bodies.

COMMERCIAL RECREATION FACILITY, INDOOR. Facilities located within a building or enclosed structure operated as a business and shall include, but are not limited to, banquet halls, pool halls, skating rinks, indoor swimming pools, bowling alleys, movie theaters, arcades, jump center, and other similar businesses. Such businesses may also provide accessory snack bar, restaurant, retail sales of related items, and other support facilities.

COMMERCIAL RECREATION, OUTDOOR. Land or facilities operated as a business that shall include, but are not limited to: outdoor swimming pools, amusement parks, and other similar businesses; this use does not include golf courses/country clubs and accessory uses. Such facility may also provide accessory snack bar, restaurant, retail sales of related items, and other support facilities.

COMMERCIAL USE. Activity involving the sale of goods or services carried out for profit.

COMPREHENSIVE PLAN. The adopted official statement of the City Council of the City of Kasson that sets forth a compilation of policy statements, goals, standards and maps for ending

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.24 D.

the physical, social and economic development, both private and public, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, official street map, a transportation plan and recommendations for plan execution. The Comprehensive Plan represents a compilation of recommendations for future development of the municipality, from the municipality's constituents and appointed commissions, which are adopted by the Planning and Zoning Commission and the City Council.

CONCEPT PLAN. A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

CONDITIONAL USE. A specific type of structure or land use listed in Chapter 154 that may be allowed, after an in-depth review procedure and with appropriate conditions or restrictions as provided.

CONDITIONAL USE PERMIT. A permit issued by the approving agency stating that the conditional use meets all conditions set forth in Chapter 154.

CONDOMINIUM. A building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONTRACTOR YARD. Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any contracting trades or business; such businesses include landscaping, construction, and excavation.

CONTIGUOUS. Next to, abutting or touching and having a boundary, or portion thereof, that is coterminous.

CONVENIENCE STORE. Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

150.01.24 D.

DAY CARE HOME. Restricted to a family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided during part of the day, which is less than 24 hours with no overnight accommodations or facilities and children are delivered and removed daily and for which all licenses shall be obtained.

DECK LINE. The intersection of two roof surfaces of a mansard roof forming the highest horizontal line of the steeper roof slope.

DISTILLERY. Establishments involved in the production and distillation of alcoholic spirits, including whiskey, rum, brandy, gin, and other distilled spirits for nonindustrial use.

DISTRIBUTION FACILITY. An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.25 E.

DWELLING. A structure or portion thereof that is used exclusively for human habitation.

DWELLING UNIT. One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

DWELLING, SINGLE FAMILY DETACHED. One dwelling that is not attached to any other dwelling by any means.

DWELLING, SINGLE FAMILY ATTACHED [TWINHOME, TOWNHOUSE, ROWHOUSE]. A one-unit dwelling attached to one or more dwelling units by a common vertical wall, with each dwelling located on a separate lot, sometimes referred to as zero lot line development.

DWELLING, TWO-UNIT [DUPLEX]. A building on a single lot containing two dwelling units, each of which is totally separated from the 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, THREE-UNIT [TRIPLEX]. A building containing three dwelling units, each of which has direct access to the outside or to a common hall.

DWELLING, FOUR-UNIT [QUADRUPLEX]. Four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining units.

DWELLING, MULTI-FAMILY. A building containing five or more dwelling units, including units that are located one over the other.

150.01.25 E.

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

EGRESS. An Exit.

ELECTROMAGNETIC RADIATION. Any radiation made up of electromagnetic waves; a general term for hertzian waves, gamma rays, X-rays, light, ultra-violet, infra-red (heat) and radio waves. For the purpose of this Chapter, this shall include radar and microwaves.

ENGINEER. Any person practicing as a professional engineer shall be duly licensed and certified under the guidelines stipulated in M.S. Ch. 326, as may be amended from time to time, for their particular field.

EQUIPMENT SERVICES. Establishments primarily engaged in the display, sale, and minor repair of electronics, appliances, and other household/office equipment; examples include, but are not limited to: radio and television shops, appliance shops, small appliance repair.

ERECTED. Assembled, raised, built, constructed, reconstructed, moved upon or any physical operation on the premises required for a building, excavation, fall, drainage and the like.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.26 F.

ESSENTIAL SERVICES. Services and utilities needed for the health, safety and general welfare of the community, such as underground, surface or overhead electrical, gas, telephone, steam, water, sewerage, communications and including generating switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves and other utilities and the equipment, buildings, structures and appurtenances necessary for the systems to furnish an adequate level of service for the area in which it is located including cable television.

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

EXTENDED CARE FACILITY. A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

150.01.26 F.

FAA. Federal Aviation Administration.

FAMILY. Any number of persons inhabiting a dwelling unit comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees.

FARM. A parcel of land which is used for agricultural activities including cropping, pasture and raising of livestock or fowl for commercial purposes.

FCC. Federal Communication Commission.

FLOOD. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE OR FLOODWAY FRINGE. The portion of the floodplain outside of the floodway.

FLOODPLAIN. The beds proper and the areas adjoining wetlands, lakes or watercourses which have been or hereafter may be covered by the regional flood.

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

FLOOR AREA. for the purposes of §154.07.21, Off-Street Parking, in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.

FLOOR AREA, GROUND. The area within the exterior walls of the principal structure as measured from the outside walls at the ground floor level, not including garages or enclosed or

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.27 G.

unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.

FOOD RETAIL. Establishments primarily engaged in the sale of consumable goods, with possibility of on-site food production (cooking/baking) for sales on premises only; examples include: grocery stores, food markets, super markets, delicatessens, candy shops, and bakeries.

FRONTAGE. The side of a lot abutting on a street; the front lot line.

150.01.27 G.

GARAGE, MUNICIPAL. A structure owned or operated by a municipality and used primarily for the parking and storing of vehicles owned by the general public.

GARAGE, PRIVATE RESIDENTIAL. A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

GARAGE, PUBLIC. A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE, REPAIR. Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GRADE.

- (A) The average elevation of the land around a building; and
- (B) The percent of rise or descent of a sloping surface.

GREENBELT. An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment; regardless of materials, a greenhouse shall be considered a structure.

150.01.28 H.

HARDCOVER. See **IMPERVIOUS SURFACE.**

HEIGHT. The vertical distance of a structure which, for the purpose of these Chapters, will be measured from the lowest elevation of the finished grade surrounding the structure to the highest point of the structure.

HISTORIC SITE. A structure or place of outstanding historical and cultural significance and designated as such by state or federal government or agency.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.29 I.

HOME BUSINESS. A home occupation or profession conducted within the dwelling unit or an existing accessory structure, solely by the owner and/or residents of the dwelling, which is detectable from off of the premises and is usually characterized by activity not normally present within a residential parcel or neighborhood. A **HOME BUSINESS** shall require a conditional use permit. (Example: **HOME BUSINESSES** may involve the storage of trade inventory incidental to the service; equipment; repair or assembly service requiring equipment other than customarily found in a dwelling or accessory structure.)

HOME OCCUPATION. Any activity carried out for gain in a residents dwelling unit, solely by the owner and/or residents of that unit, that is confined to the interior of that unit so as to be undetectable from what is normally present within a residential dwelling unit and does not qualify as a home business.

HOSPITAL. An institution providing primary health services and medical surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

HOTEL. A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

150.01.29 I.

IMPERVIOUS SURFACE. Any material which prevents, impedes, or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation-bearing soils, including, but not limited to, buildings, asphalt, concrete, gravel, aggregate and other surfaces, as determined by the City Engineer.

IMPOUNDING WATER. The activity of gathering and enclosing water or creating areas of open water.

INCIDENTAL. Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

INFRASTRUCTURE. Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

INGRESS. Access or entry.

INOPERATIVE shall mean incapable of movement under their own power and in need of repairs. All exterior storage material not included as a permitted use, accessory use or conditional use, or otherwise permitted by provisions of this Chapter, may be considered as refuse.

INTERMEDIATE CARE FACILITY. A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require the assistance, but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

150.01.210 J.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.211 K.

JUNK. Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.

JUNKYARD. Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of junk.

150.01.211 K.

KENNEL[ANIMAL BOARDING]. A commercial establishment in which dogs or domesticated animals are housed, bred, boarded, or sold, all for a fee or compensation.

150.01.212 L.

LANDSCAPE.

- (A) An expanse of natural scenery; and
- (B) Lawns, trees, plants and other natural materials, such as rock and wood chips, and decorative features, including, sculpture, patterned walks, fountains and pools.

LIQUOR, OFF-SALE. The commercial sale of intoxicating beverages for consumption off premises, in compliance with Minnesota State Statute and licensing requirements.

LIQUOR, ON-SALE. The commercial sale of intoxicating beverages for consumption on premises, in compliance with Minnesota State Statute and licensing requirements.

LIVE/WORK UNIT. A building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

LONG-TERM CARE FACILITY. An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood or adoption.

LOT. A piece or parcel of land occupied or to be occupied by building, or use, or by other activity permitted thereon and including the open spaces required under this Title.

LOT, CORNER. A lot or parcel of land 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.

LOT, DOUBLE FRONTAGE. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

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

LOT, NONCOMFORMING. See **NONCOMFORMING LOT.**

LOT, SUBSTANDARD. A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.213 M.

LOT AREA. The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT COVERAGE. The portion of the lot that is covered by impervious surfaces.

LOT DEPTH. The average distance measured from the front lot line to the rear lot line.

LOT FRONTAGE. The length of the front lot line measured at the street right-of-way line.

LOT LINE. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT. The lot line separating a lot from a street right-of-way.

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

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT OF RECORD. A lot that exists as shown or described on a plat or deed in the records of the local Registry of Deeds.

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, measured at the minimum required building setback line, unless otherwise stated.

150.01.213 M.

MAKERSPACE [STUDIO]. A space primarily used as a work room for at least one artist or creator that may be open to the public for demonstrations, classes, and retail sales. Studios are generally for the purpose of on-site production of painting, pottery (ceramics), sculpture, photography, cinematography, animation, or the making of music.

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 in it, and which complies with the Manufactured Home Building Code, as referred to in MS 327.31.

MANUFACTURING. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquors.

MANUFACTURING, LIGHT. The processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.214 N.

MANUFACTURING, HEAVY. An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

MAUSOLEUM. A tomb or a building with vaults for the entombment of a number of bodies.

MINOR SUBDIVISION. Buildable subdivisions of three new lots or less created and recorded by the dividing of an existing subdivision of record.

MOBILE HOME. A structure, transportable in one or more sections, which generally meets the definition of a Manufactured Home but is not compliant with the Manufactured Home Building Code, or was constructed prior to July 1, 1972.

MONUMENT. Concrete and/or metal markers utilized to establish survey points and lot boundaries. All **MONUMENTS** must be set by a licensed land surveyor.

MOTEL. An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

MUSEUM. *An establishment for preserving and exhibiting artistic, historical, scientific, natural, or man-made objects of interest. Such activity may include the sale of the objects collected and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of meetings and social events.*

150.01.214 N.

NONCONFORMING LOT. A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Chapter, but that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING SIGN. Any sign lawfully existing prior to the effective date of this Chapter, or amendment thereto, that does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE OR BUILDING. A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to this Chapter, but that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USE. A use or activity that was lawful prior to the adoption, revision or amendment of this Chapter, but that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

NUISANCE. An interference with the enjoyment and use of property.

NURSERY/GREENHOUSE. A business growing and selling trees, flowering and decorative plants and shrubs.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.215 O.

NURSING HOME. See **INTERMEDIATE CARE FACILITY, EXTENDED CARE FACILITY** and **LONG-TERM CARE FACILITY.**

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 projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water.

150.01.215 O.

OFFICE. A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

OFFICE BUILDING. A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, and may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand and child care facilities.

OFFICIAL MAP. An ordinance in map form adopted by the governing body that conclusively shows the location and width of proposed streets, public facilities, public areas and drainage rights-of-way.

OFF-SITE PARKING. Parking provided for a specific use, but located on a site other than the one on which the specific use is located.

OFF-STREET PARKING SPACE. A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

ON-STREET PARKING. A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

OPEN SALES LOT. Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of some prior to sale.

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment.

OUTDOOR STORAGE. The keeping, outside of an enclosed structure, of any goods, junk, material, merchandise or vehicles, in the same place for more than 24 hours.

OVERLAY ZONE. A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

150.01.216 P.

PARCEL. A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.216 P.

PARK. Area of public land developed and maintained for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, play fields and special purpose areas.

PARKING AREA. Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING LOT. A temporary storage area for motor vehicles, not located in an R-1 or R-1A zoning district.

PARKING, SHARED. Joint use of a parking area for more than one use.

PARKING SPACE. A space for the parking of a motor vehicle within a public or private parking area.

PARTY WALL. A common shared wall between two separate structures, buildings or dwelling units.

PERFORMANCE STANDARDS. A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

PERMIT. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without the authorization.

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

PERMITTED WITH STANDARDS USE. Any use allowed in a zoning district that is subject to the restrictions applicable to that zoning district as well as use-specific restrictions, as listed in Article 06.

PERSON. A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state and all political subdivisions of a state or any agency or instrumentality thereof.

PERSONAL SERVICES. Establishments primarily engaged in providing individual services generally related to personal needs; examples include, but are not limited to: barber and beauty shops, dry cleaners, laundromats, tailors, salons, photography studio

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

PLANNED UNIT DEVELOPMENT (PUD). An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas.

PRELIMINARY PUD PLAN. All required maps, information and documents as set forth in the PUD regulations and as required by the Planning and Zoning Commission

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.217 R.

FINAL PUD PLAN. A map made to measurable scale and all associated documents which present a description and definition of the design requirements of the PUD to be recorded with the property.

PLANNING AND ZONING COMMISSION. A governmental agency appointed by the governing body according to M.S. § 394.30, as may be amended from time to time.

PLAT.

- (A) A map representing a tract of land showing the boundaries and location of individual properties and streets; and
- (B) A map of a subdivision or site plan.

PLAT, FINAL. A map of all or a portion of a subdivision or site plan that is presented to the approving authority of final approval.

PLAT, PRELIMINARY. All required maps, information and documents as set forth in the subdivision regulations and as required by the Planning and Zoning Commission for preliminary approval.

PRELIMINARY APPROVAL. The conferral of certain rights, prior to final approval, after specific elements of a development have been approved by the approving authority and agreed to by the applicant.

PRINCIPAL STRUCTURE [BUILDING]. The primary structure in which the predominant permitted use of the lot is conducted or accomplished.

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

PRINTING. A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

PROFESSIONAL SERVICES. Establishments primarily engaged in providing services provided by a member of a recognized profession, typically requiring a license, certification, and/or any such similar training for the conduct of that profession; examples include, but are not limited to: medical clinics, dental clinics, eye clinics, architects, attorneys, and engineers.

PROHIBITED USE. A use that is not permitted in a zoning district.

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC NOTICE. The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place and nature of the public hearing and where the application and pertinent documents may be inspected.

PUBLIC UTILITY. A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.217 R.

PUBLIC UTILITY FACILITIES. See **ESSENTIAL SERVICES.**

150.01.217 R.

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

RECREATION FACILITY. A place designed and equipped for the conduct of sports and leisure-time activities.

RECREATIONAL VEHICLE. A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

REGIONAL FLOOD [BASE FLOOD]. A flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

REGULATORY FLOOD PROTECTION ELEVATION. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

RE-PLAT. A change in a recorded subdivision if the change affects any street layout, affects any area reserved for public use or diminishes the size of any lot.

RESIDENTIAL HEALTH CARE FACILITY. Residences usually occupied by the frail elderly that provide rooms, meals, personal care and health monitoring services under the supervision of a professional nurse and that may provide other services, such as recreational, social and cultural activities, financial services and transportation.

RESTAURANT. An establishment where food and drink are prepared, served and consumed primarily within the principal structure.

RETAIL, GENERAL. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods; examples include, but are not limited to: department, variety, clothing, furniture, antique, gift, drug, hardware, and book stores, news shops, flower shops, and show rooms for retail.

REVIEWING AGENCIES. Reviewing agencies may include, but are not limited to, the City Engineer, School Board, utility companies, Park Board, County Surveyor, Department of Natural Resources, Planning and Zoning Commission, MN DOT, Dodge County Highway Department, City Attorney, City Council and any additional government agencies City, State or Federal, as dictated by Statute.

REZONE. To change the zoning classification of particular lots or parcels of land.

RIGHT-OF-WAY.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.218 S.

- (A) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; and
- (B) Generally, the right of one to pass over the property of another.

ROOF. The outside top covering of a building.

ROOF, FLAT. A roof that is not pitched and the surface of which is generally parallel to the ground.

ROOF, GABLE. A ridged roof forming a gable at both ends of the building.

ROOF, GAMBREL. A gabled roof with two slopes on each side, the lower steeper than the upper.

ROOF, HIP. A roof with sloping ends and sides.

ROOF, MANSARD. A roof with two slopes on each of four sides, the lower steeper than the upper.

ROOF, SHED. A roof with one slope.

150.01.218 S.

SCRAP / SALVAGE STORAGE YARD. Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, waste, reclaimable material or debris.

SCREENING. A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

SELF-STORAGE FACILITY [RENTAL STORAGE UNIT]. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

SETBACK. The distance between the building and any lot line.

SETBACK, AVERAGE. The mean setback from a street right-of-way of buildings on both sides of a lot.

SETBACK LINE. The line that is the required minimum distance from any lot line and that establishes the area within which a structure must be erected or placed.

SHORT TERM VACATION RENTAL. A dwelling, or portion thereof, that is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days.

SIGN. A publicly displayed message using words, letters, symbols or pictures, bearing information, warning, advertising or other.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.218 S.

SIGN, A-FRAME OR SANDWICH BOARD. An advertising sign that is normally in the shape of an "A" or some derivation thereof, located on the ground, easily movable, not permanently attached and two sided.

SIGN, ANIMATED/FLASHING. A sign that features simulated motion, either illuminated or not illuminated. If illuminated, a sign that has a light source not constant in intensity or color at all times, which creates the illusion of motion through graphic animation, and other motion such as flashing, blinking, revolving or rotating light. Electronic message signs are specifically exempt.

SIGN, AREA IDENTIFICATION. A freestanding sign which identifies the name of a neighborhood, a residential subdivision, a multiple-residential complex consisting of three or more structures or ten or more units, a shopping center consisting of three or more separate structures, an industrial area consisting of three or more structures or any combination of the above.

SIGN, BANNER. Any sign of fabric or similar material that is mounted to a pole, fence, building or similar structure at one or more edges. National, state or municipal flags shall not be considered a **BANNER**.

SIGN, BILLBOARD TYPE. A freestanding sign advertising or containing information which may or may not pertain to the business on the property where the sign is located.

SIGN, CONSTRUCTION/PROJECT. A temporary sign erected on the premises prior to or during the period of construction. These signs typically indicate the names of the architects, engineers, landscape architects, contractors or similar artisans, and/or owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project, and rental, sale or lease information.

SIGN, ELECTRONIC MESSAGE. Any sign that by electronic means conveys a text message or series of messages, including, but not limited to, time and temperature.

SIGN, FINDER. Temporary signs used to direct the reader to a temporary event such as an open house or garage sale, the signs shall not exceed eight square feet and shall only be displayed for up to seven days, during the events.

SIGN, FREESTANDING. A self-supporting sign resting on or supported by means of poles, standards or any other type of base anchored to the ground.

SIGN, GRAPHICS. A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.

SIGN, MARQUEE. A structure attached to and projecting from a wall of building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.218 S.

SIGN, OFFICIAL. A sign placed by an authorized government body including, but not limited to, street, traffic and highway signs, posted legal notices, parking signs.

SIGN, PORTABLE. Any sign temporary in nature, not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; balloons used as signs; umbrellas used for advertising, except that advertising umbrellas may be used in conjunction with the operation of a restaurant; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for normal day-to-day operations of a business. Specifically excluded are A-frame and sandwich board signs.

SIGN, PROJECTING. A sign, other than a wall sign, which attaches to and projects from a structure or building facade.

SIGN, ROOF. A sign mounted on the roof of a building or which depends upon a parapet wall for support.

SIGN, WALL. A sign mounted parallel to a building facade or other vertical building surface (which should not be mounted more than 18 inches from the wall surface to which they are attached).

SIMILAR USE. A use that has the same characteristics and the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs and clientele.

SITE PLAN. A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations; includes lot lines, streets, building sites, reserved open space, buildings, major landscape features—both natural and manmade, the locations of proposed utility lines, and any other information that may be required in order that an informed decision can be made by the approving authority.

SOLAR ENERGY SYSTEM, ACCESSORY. A solar energy system which is directly connected to or designed to serve the energy needs of the primary use.

SOLAR FARM, COMMUNITY. A solar array composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use but rather for the primary purpose of wholesale sales of generated electricity or a financial proxy for retail power. Solar farms include but are not limited to community solar gardens. A community solar system may be either an accessory or a principal use.

STEEP SLOPE. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.218 S.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

STREET. Any vehicular way that:

- (A) Is an existing state, county or municipal roadway;
- (B) Is shown upon a plat approved pursuant to law;
- (C) Is approved by other official action; or
- (D) Is shown on a plat duly filed and recorded in the office of the County Recorder prior to the appointment of a government body with the power to review plats; includes the land between the street lines, whether improved or unimproved.

STREET TYPE.

- (A) **ALLEYS.** A service roadway, dedicated to the public, providing a secondary means of public access to abutting property and not intended for general traffic circulation.
- (B) **ARTERIAL.** Streets carrying large volumes of local traffic between widely separated areas of the community and which may be designated as county state aid highways.
- (C) **COLLECTOR.** Streets which carry traffic from minor streets to arterial streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within the developments.
- (D) **CUL-DE-SAC.** A short street having one end open to traffic and the opposite end permanently terminated by a circular turn-around for vehicles.
- (E) **FRONTAGE.** Streets which are adjacent and parallel to highways or arterial streets and provide access to abutting properties.
- (F) **HIGHWAYS.** Streets carrying large volumes of relatively fast moving traffic and are designated as either interstate, federal, state, county or municipal state aid highways.
- (G) **LOCAL.** Streets which are used principally for access to abutting properties, especially residential properties.

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 and other similar items.

STUDIO. See **MAKERSPACE.**

SUBDIVIDER. Any person having an interest in land that is the subject of an application for subdivision.

SUBDIVISION. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.219 T.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools; hot tubs; portable and non-portable spas; and fixed-in-place wading pools.

150.01.219 T.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, (e.g., monopoles and similar structures).

TOWER ACCESSORY STRUCTURE. Any structure located at the base of a tower for housing receiving or transmitting equipment.

TOWER HEIGHT. The distance measured from the ground level at the base of the tower or structure to the highest point on a tower or structure.

150.01.220 U.

UTILITY EASEMENT. The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables and towers.

150.01.221 V.

VARIANCE. A modification of a specific permitted development standard required in this Title, to allow an alternative development standard not stated as acceptable in the this Title, but only as applied to a particular property for the purpose of alleviating a practical difficulty or unique circumstance, as defined and elaborated upon in this Title.

150.01.222 W.

WALKWAY. A right-of-way or easement dedicated to public use which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.

WAREHOUSE. A building used primarily for the storage of goods and materials.

WATER RESOURCE. Any lake, creek, pond, or wetland.

WHOLESALE TRADE [WHOLESALE ESTABLISHMENT/RETAIL]. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, individuals or companies.

WINERY. A processing facility used for the fermenting and processing of fruit juice into wine; or the refermenting of still wine into sparkling wine.

WIRELESS COMMUNICATION. Any personal wireless services as defined in the Federal Communications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), paging and similar services that currently exist or may be developed.

150.01.223 Y.

**City of Kasson
Code of Ordinances**

CHAPTER 150 Definitions

150.01.224 Z.

YARD. An open space that lies between the principal structure or structures and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward; except, as may be specifically provided in this Title.

YARD, FRONT. A space extending the full width of a lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR. A space extending across the full width of the lot between the principal structure and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

YARD, REQUIRED. The open space between a lot line and the yard line within which no structure shall be located except as provided in Chapter 154.

YARD, SIDE. A space extending from the front yard to the rear yard between the principal structure and the side lot line and measured perpendicular from the side lot line to the closest point of the principal structure.

YARD AREA. The total square footage of the property.

YARD DEPTH. The shortest distance between a lot line and a yard line.

150.01.224 Z.

ZERO LOT LINE. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONE. A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing and size of land and buildings.

ZONING. The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

ZONING DISTRICT. A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

ZONING MAP. The map or maps that are a part of the zoning ordinance and delineate the boundaries of zone districts.