
CHAPTER 20 ZONING REGULATIONS^{††}**Article I: In General.**

The Town Board of the Town of Athens hereby ordains an ordinance regulating the use, subdivision and development of land and the location, size, use and arrangement of buildings on those parcels of land located in the Town, this ordinance being adopted pursuant to Chapter 462 of Minnesota Statutes.

Section 20-1. Short Title.

This Chapter shall be known, cited and referred to as the Athens Township Zoning Ordinance, except as referred to herein, where it shall be known as this Chapter.

Section 20-2. Intent and Purpose.

The purpose of this Chapter is to protect the public interest; to ensure a safer, more pleasant and economical environment; to preserve agricultural and open lands; and to promote the public health, safety and general welfare through the establishment of minimum standards governing the subdivision, development and use of land and structures contained and/or erected upon same.

This Chapter divides the Town into use districts and regulates the subdivision, development and use of land and the location, size, use and arrangement of buildings.

The regulations and standards herein have been adopted to promote orderly development of residential, commercial, agricultural, recreational, and public areas and to promote open spaces; to prevent the overcrowding of land and undue congestion upon public roads; to minimize the incompatibility of different land uses and encourage the most appropriate use of land within the Town; to prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts; to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder; to provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the district in which they are located; to avoid the creation of substandard lots whereby uniform setback requirements cannot be complied with; to protect and guide the development of rural areas; to discourage the premature and unnecessary conversion of prime agricultural land to urban uses; to protect and enhance existing agricultural uses; to conserve natural resources; to provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structures; to prevent the wasteful scattering of population; to discourage noncontiguous urban development patterns which unnecessarily increase the costs of community

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service; to control and obtain the most economic distribution of and demand for public utilities and services; to conserve and enhance natural and scenic areas along roads and otherwise; to provide for the administration of this Chapter and amendments thereto; to prescribe penalties for violations of the minimum standards and regulations herein; and to define the powers and duties of the Town, its staff and appointed personnel.

Section 20-3. **Definitions.**

Abut. To physically touch or border upon; or to share a common property line but not overlap. (See Adjoining lot or land; contiguous.)

Accessory structure or facility. Any building or improvement clearly subordinate to a principal use such as garages, sheds, or storage buildings located on the same parcel as the principal structure.

Accessory Use. A use that is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same parcel as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants or caretakers.
2. Swimming pools and private recreational facilities for the use of the occupants of a residence or their guests.
3. Residential – or agriculture – related storage in a barn, shed, tool room, or similar accessory building.
4. Interior storage of merchandise normally carried in-stock in connection with a business or industrial use unless such storage is excluded in the applicable district's regulations.
5. Accessory off-street parking spaces, open or enclosed.
6. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

Addition. (1) A structure added to the original structure at some time after the completion of the original; or (2) an extension or increase in floor area or height of a building or structure.

Adjacent Land. See Adjoining Lot or Land.

Adjoining Lot or Land. A lot or parcel that shares all or part of a common lot line with another lot or parcel of land. (See abut; contiguous.)

Adult Uses. An establishment consisting of, including, or having the characteristics of any or all of the following:

- (1) Adult Arcade. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, video cassette players, digital disk players, or similar machines for viewing by five or fewer persons, each of which are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- (2) 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,” as defined herein.
- (3) Adult Bookstore. A business engaging in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes, videodiscs, or motion picture film when any or all of the materials previously mentioned are distinguished or characterized by an emphasis on the depiction or description of sexual conduct as defined in Minn. Stat. § 617.241 Subd. 1(b). A business establishment shall be defined as an “Adult Bookstore” if five percent (5%) or more of its retail spaced is used for the distribution or sale of the materials described above.
- (4) Adult Cabaret. (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
- (5) 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 “specified anatomical areas,” as defined herein.

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- (6) Adult Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
 - (7) Adult Health/Sport Club. A health/sport club that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
 - (8) Adult Hotel/Motel. A hotel or motel that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
 - (9) Adult Massage Parlor, Health Club. A massage parlor or health club that restricts minors by age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
 - (10) Adult Mini-Motion Picture Theater. A building or portion of a building with a capacity for fewer than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons therein.
 - (11) 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,” as defined herein, while being observed, painted, painted upon, sketched, drawn, sculpted, photographed, or otherwise depicted by such customers.
 - (12) Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin – or slug-operated or electronically -, electrically -, or mechanically – controlled or operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) 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,” as defined herein.

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- (13) Adult Motion Picture Theater. An enclosed building or portion thereof or open air or projection facility engaged in the business of presenting film, video tape or other similar motion pictures, which excludes minors from the premises, or which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct as defined in Minn. Stat. § 617.241 Subd. 1(b).
 - (14) Adult Novelty Business. A business that has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
 - (15) Adult Sauna. A sauna that 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,” as defined herein.
 - (16) Adult Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or a heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
 - (17) Adult Theater. A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or specified sexual activities.
 - (18) Adult Use Establishments. Adult use establishments include, but are not limited to: adult arcade, adult bookstore, adult cabaret, adult motion picture theater, or sexual encounter establishment.
 - (19) Escort, Model, Dancing or Hostess Service. Any person, establishment, or business advertising, offering, selling, trading, or bartering the services of itself, its employees or agents as hostesses, models, dancers, escorts, dates or companions, whether or not goods or services are simultaneously advertised, offered, sold, traded, or bartered and regardless of whether said goods or services are also required to be licensed.
 - (20) Sexual Encounter Establishment. An establishment, other than a hotel, motel, or similar establishment offering public accommodations that,

for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in sexual therapy.

- (21) Any other use which, in the reasonable judgment of the Town Board, features entertainment, goods and/or services aimed exclusively at adults by reason of its emphasis on matter depicting, describing, or relating to sexual conduct, as defined in Minn. Stat. § Subd. 1 (b).

For purposes of this Chapter, the following terms are also hereby defined:

- (a) Specified Anatomical Areas. As used herein, specified anatomical areas means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the areolae; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (b) Specified Sexual Activities. As used herein, specified sexual activities means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities in an adult use establishment.
- (22) Adult Use – Accessory. A use, business, or establishment having more than five percent (5%) but less than ten percent (10%) stock in trade or floor area allocated to, or more than ten percent (10%) but less than twenty percent (20%) of its gross receipts derived from adult movie rentals or sales and/or adult magazines or other adult material sales or rental.

Adverse impact. A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities. Adverse impacts usually relate to circulation, drainage, erosion, potable water, sewage collection and treatment, lighting and glare, aesthetics, quality of life and impact on the environment.

Advertising Sign. See sign, advertising.

Aesthetic. The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

Affected Property Owner. A person, association or entity having a legal interest in a lot or parcel of real property sufficient to initiate any proceeding authorized by this Chapter or to be recognized at a hearing under any such proceeding and shall include:

- (1) The holders of fee title;
- (2) Contract for Deed vendees (purchasers);
- (3) Contract for Deed vendors (sellers) with the written consent of all vendees;
- (4) Lessees and renters with the written consent of the owner(s);
- (5) Named buyers under a purchase agreement provided that the purchase agreement contains a provision that is conditioned upon the buyer first obtaining any permit or approval required by this Chapter;
- (6) Optionees provided that the option contains a provision that it is conditioned upon the optionee obtaining any permit or approval required by this Chapter;
- (7) Mortgagees following a mortgage foreclosure and the expiration of the period of redemption or otherwise written consent of the mortgagors and/or other owners;
- (8) Personal representative(s) of an estate, a guardian, trustee, receiver or other person or entity appointed by a court having authority over the use and/or development of any affected land; or
- (9) Person or entity named as a general power of attorney or granted authority as to the use and/or development of any affected land in a limited power of attorney.

The Town Board or its designated officials may request proof of such ownership or authority where deemed appropriate. Any person or the representative of any association or entity owning or occupying any affected land shall be heard at any public hearing under such proceeding.

Agricultural Uses. Those uses commonly associated with the growing of produce on farms, including livestock raising, crop farming, fruit growing, truck gardening, tree, plant, and/or flower nurseries, and a roadside stand for the retail sale of same in season. Wetlands, pasture and woodlands accompanying land that

is in agricultural use shall be deemed to be in agricultural use. Agricultural use shall not include use of land for recreational purposes, suburban residential acreages, rural home sites, or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Alteration. Any change or rearrangement in the supporting members of an 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 diminution of a building or structure, whether horizontally or vertically, or the move of a building or structure from one location to another. This excludes normal repairs and maintenance, such as painting or roof replacements. (See structural alteration.)

Animal Kennel. Any structure or premises in which animals are boarded, groomed, bred, or trained for commercial gain. (See kennel.)

Animals, Food. Fish, fowl, cattle, swine, sheep and other members of the animal kingdom raised for the purposes of food consumption.

Animals, Fur. Mammals that are raised for their pelts.

Animals, Pleasure. Dogs, cats, birds and any member of the animal kingdom housed principally in a cage, aquarium, or other confined area within the homestead and kept principally for non-commercial and non-scientific purposes.

Animal Unit. A unit of measure used to compare differences in the production of animal waste that, as a standard, uses the amount of waste produced on a regular basis by a slaughter steer or heifer. For animals not listed in the following chart, the number of animal units shall be defined as the average weight of the animal divided by 1,000 lbs. This chart shall be amended from time to time to be consistent with Minnesota Rules Chapter 7020.

<u>Animals</u>	<u>Equivalent</u>
Calves (150 – 500 lbs)	0.5 animal units
Feeder Cattle (500 – 1200 lbs)	1.0 animal units
Beef Cows	1.0 animal units
Young Dairy Stock (500 – 1000 lbs)	0.75 animal units
Replacement Heifers	1.0 animal units
Dairy Cows	1.4 animal units
Nursery Pigs (up to 50 lbs.)	0.05 animal units
Grower/Feeder Pigs (50 – 100 lbs)	0.4 animal units
Finishing Hogs (100 lbs.-market wt.)	0.4 animal units
Sows	0.4 animal units

Boars	0.4 animal units
Sheep	0.1 animal units
Turkeys	0.018 animal units
Layer Chickens	0.01 animal units
Broiler Chickens	0.01 animal units
Horses	1.0 animal units
Ostriches	0.4 animal units

Apartment. A structure containing three or more dwelling units.

Apartment Unit. A part of the building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or a single family.

Applicant. A person submitting an application for land use, zoning or development approvals. (See person.)

Assisted Living Facility. Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

Associated accessory retail sales. Uses that are clearly an accessory use to the conditionally-permitted use, such as retail sales of products or pre-packaged foods related to wine-making or consumption of wine, literature, art and craft items, and regional value-added agricultural products.

Automatic Car Wash. A structure containing facilities for washing automobiles and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying. Zoning considerations include drainage and possible freezing of run-off, water use, drying areas, vehicle stacking capacity, and litter and debris.

Automotive (Garage) Repair. Any building, premises, and land in which or upon which a business, service, or industry involving maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Automobile Sales. The use of a building, land area, or other premises for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles, and including any vehicle preparation or repair work conducted as an accessory use.

Automobile Service Station. Any building, land area, or other premise, or portion thereof, used for 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.

Basement. A portion of a building located partly underground. A basement shall be counted as a story if it has ½ or more of its height above the highest level to the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

Bed and Breakfast, Boarding or Lodging House. A building where lodging, with or without meals, is provided for compensation on a regular basis.

Berm. A landscaped and contoured formation of land that is raised from natural grade.

Billboard. An advertising sign that directs attention to a business, commodity, services or entertainment.

Block. An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

Bluff Line. A line along the top of a slope, connecting the points at which the slope becomes less than 12%. This applies to those slopes within the land use district(s) that are beyond the setback provisions from the ordinary high water mark.

Boarding or Lodging House. A building designed for or used as a single-family or two-family dwelling and containing guest rooms where lodging, with or without meals, is provided for compensation on a regular basis.

Board of Adjustment. Shall be that Board as established in this Chapter.

Brewer. A person who manufactures malt liquor for sale.

Buildable Area. That part of a lot or parcel of sufficient elevation to accommodate the principal building, a well and on-site sewer system (two locations), all of which meet applicable codes, ordinances and/or regulations. Areas that are floodway, wetlands, rights-of-way, bluffs or have poor soils which are unsuitable for individual sewage treatment systems, cannot be included in calculating the buildable area of a lot. Type 1, 2 and 6 wetlands may be crossed to get access to the buildable area of an outlot that is being used for the transfer of building rights. Future access roads are limited to filling of 10,000 square feet with a minimum road width of twelve (12) feet. The outlot area must be above the flood plain elevation, and if there is no identified flood elevation, the access road must be three feet (3') above the OHW (ordinary high water elevation) of the adjacent wetland.

Building. Any structure, temporary or permanent, for the shelter, support, or enclosure of persons, animals, chattel, or property of any kind; and when

separated by party walls without openings, that portion of such building so separated shall be deemed a separate building.

Building, Accessory. A subordinate structure on the same lot as the principal or main building or use.

Building, Principal. A building in which is conducted the principal use of the lot on which it is located.

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 Height. The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the roof on a flat or shed roof, the decline line of a mansard roof, or to a point half way between the highest top plate and the highest ridge for gable, hip, and gambrel roofs.

Building Line. That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

Building Official. The building official of Athens Township or his or her authorized representative.

Building Permit. Written permission issued by the proper Township authority for the construction, repair, alteration or addition to a structure.

Building Setback. The minimum horizontal distance prescribed in this Chapter between a building and a specified lot line or boundary.

Bulk Regulations. Standards and controls that establish the maximum size of structures and the buildable area within which the structure can be located, including height, gross floor area, lot area, lot coverage, impervious surface coverage and yard requirements, but excluding residential density regulations.

Business (See also Commercial Uses). Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Certificate of Occupancy. A document issued by the Township allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable Township codes and ordinances.

Certificate of Survey. A certificate of survey shall show the boundary lines of a parcel or parcels surveyed and indicate monuments set at corners (or road right-of-ways when abutting roads), angle points of said parcel or parcels and also at appropriate locations along boundary lines or lines where lines cannot be seen from corner to corner and there is a need to clarify building setback requirements. The survey shall be tied into required and identified land corners. The drawing shall be prepared by or under the direct supervision of a Minnesota Registered Land Surveyor.

Church. A building, together with its accessory buildings and uses, including licensed daycare facilities, where persons regularly assemble for religious worship and which building, together with its accessory buildings and use, is maintained and controlled by a religious body organized to sustain public worship.

Clear-cutting. The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural development purposes.

Clinic. An establishment where patients are admitted for examination and/or treatment by a group of physicians, dentists, or similar licensed professionals but are not lodged overnight.

Club or Lodge. A club or lodge is a non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests.

Cluster Development (Residential). A development pattern and technique whereby dwelling units are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

Commercial Recreation Facility. A recreation facility operated as a business and open to the public for a fee. Includes, but is not limited to, the following: Bowling alley; cart track; jump center; golf; pool hall; vehicle racing or amusement; dance hall; skating; tavern; theater; entertainment; public shows; private campgrounds; firearms range; and similar uses.

Commercial Uses. Any enterprise, establishment, occupation or employment wherein or whereby merchandise is exhibited, traded and/or sold or any service is offered in exchange for compensation or other things of value.

Common Ownership. Ownership by one or more individuals in any form of ownership of two or more contiguous lots.

Communication Towers. Radio and television broadcasting, transmission and/or receiving towers and antennas that are subject to licensing requirements of the Federal Communications Commission. This does not include residential radio and

television reception antennas and amateur radio station antennas, all of which are deemed to be incidental to residential use.

Community Water and Sewer Systems. Utilities system serving a group of buildings, lots, or any other area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota under Minnesota Rules 7080, as amended.

Comprehensive Plan. The general plan for land use, transportation, and community facilities of the Town.

Conditional Use. A use that has characteristic(s) which are or the impact of which is incompatible with the permitted uses within a zoning district but which, if properly controlled or restricted such as will eliminate or minimize the incompatibilities, may be permitted with a conditional use permit.

Conditional Use Permit. A permit specially and individually granted for a conditional use permitted in any use district.

Condominium. A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and the other common property of the building.

Construction Debris. Concrete, blacktop, bricks, stone facing, concrete block, stucco, glass, structural metal, and wood from demolished structures. It shall also include waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads, and any material as defined by the MPCA or permitted for deposit in construction debris disposal facilities by said agency, such as, but not limited to, foundry, sand, waste shingles, tree waste, waste or water treatment plant lime sludge, and street sweepings.

Contiguous. Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. (See abut; adjoining lot or land.)

Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Contractor Yard. An establishment providing general contracting or building construction service and that involves outdoor storage of machinery or equipment.

Convenience Grocery Store. Any retail store whose principal business is selling convenience grocery items, health and beauty items, and other items intended for

routine use and consumption by the consumer. These stores shall be no more than 4,800 square feet.

Cooperative. A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing units outright, as in a condominium, but they own shares in the enterprise.

Copy. A print or reproduction made from a tracing.

Corner Lot. A lot situated at the junction of and fronting on two or more roads or highways.

County. Isanti County, Minnesota.

Craft brewery. A facility manufacturing malt liquors for sale.

Daycare Facility. Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or development guidance on a regular basis for periods of less than 24 hours a day, in a place other than the person's own home. Daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, developmental achievement centers, day treatment programs, adult daycare centers and day services.

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 30 inches above the ground.

Density. The number of families, individuals, dwelling units, households or housing structures per unit of land.

Depth of Lot. The mean horizontal distance between the mean front and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Depth of Rear Yard. The mean horizontal distance between the rear line of a building and the center line of an alley, where an alley exists; otherwise, a rear lot line.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Development. The act of building structures and installing site improvements.

Disposal Facility. A waste facility that is designed or operated for the purpose of disposing of waste on or in the land, together with any appurtenant facilities needed to process waste for disposal.

Distilled spirits. Ethyl alcohol, hydrated oxide of ethyl spirits of wine, whiskey, rum, brandy, gin, vodka and other distilled spirits, including all dilutions and mixtures thereof for non-industrial use.

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

Double Frontage Lots. Lots that have a front lot line abutting on one street and a rear lot line abutting on another street.

Drainage Course. A water course or indenture for the drainage of surface water.

Drive-through facility. A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include, but are not limited to, drive-up windows, menu boards, order boards or boxes, drive-in restaurants and drive-up banks. Drive-through facilities shall not include direct refueling of motor vehicles.

Driveway. The area used for vehicular access to an off-street parking area from a street or alley. Driveway shall also include the area used for vehicular access to areas of the lot other than an off-street parking area.

Duplex. A building designed and/or used exclusively for residential purposes and containing two dwelling units separated by a common party wall or otherwise structurally attached.

Dust-Free. A minimum treatment of the native soil with a covering of asphalt, concrete, wood, masonry, gravel, oil penetration or soil-cement.

Dwelling – Attached. A structure having dwelling units joined by one or more party walls.

Dwelling – Detached. A dwelling that is entirely surrounded by open space on the same lot.

Dwelling – Energy Efficient Below Ground. A structure meeting the specifications of the Minnesota Energy Code.

Dwelling – Multiple. A structure or building designed or utilized for more than two families in independent units other than townhouses. This term does not

include hotels, motels, lodging houses, boarding houses, bed and breakfasts, or tourist homes.

Dwelling – Single Family. A detached dwelling designed exclusively for occupancy by one family and containing not more than one dwelling unit.

Dwelling – Townhouse. One building or structure designed to accommodate more than one family in independent units, each having its own separate access and amenities.

Dwelling Unit. Consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

Easement, Utility. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone poles, storm sewer or storm drainage and gas lines.

Encroachment, Flood Plains. Limits of obstruction flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining flood plains between these lines will be maintained as open space and will be adequate to convey a flood without adversely increasing flood heights.

Engineer. A professional engineer engaged by the Town Board.

Enlargement. An increase in the size of an existing structure or use, including physical size or the property, building, parking and other improvements.

Equal Degree of Encroachment, Flood Plains. A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

Essential Services. Underground or overhead utilities including gas, electric, steam, water and sewer including all appurtenances necessary or incidental thereto but excluding buildings, transmission pipelines and electric transmission lines.

Excavation. Any non-agricultural excavation of earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, gravel, stone or other natural matter, or made by turning or breaking or undermining the surface of the earth.

Extractive Use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 through 93.51, as amended.

Family. An individual or two or more persons related by blood, marriage or adoption or not more than four unrelated persons living together in an independent, single housekeeping unit.

Family Daycare. Daycare for no more than ten children of ten (10) years of age or under of which no more than six (6) are under school age. The number of children must include all children of any caregiver when the children are present in the residence.

Farm. A tract of land of not less than ten (10) acres, the principal use of which is for agricultural purposes. This definition shall not preclude a small tract from being classified as agricultural if otherwise qualifying under the laws of the state of Minnesota. A farm is real property considered to be in agricultural use provided that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products. Slough, wasteland, and woodland shall be considered to be in agricultural use if under the same management and ownership.

Farm winery. A farm winery operated by the owner of a Minnesota farm and producing table, sparkling wines, or fortified wines from grapes, grape juice, other fruit bases, or honey, with a majority of the ingredients grown locally or sourced or produced in Minnesota. A farm winery must be operated on agricultural land operating under an agricultural classification, zone, or conditional use permit. (Minnesota Statute 340 a.315 Subd. 9.)

Feedlot. A fenced land area or building or combination of fenced land area and buildings intended for the confined feeding, breeding, raising or holding of animals exceeding ten (10) animal units and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purpose of these rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall not be considered to be feedlots. A feedlot does not cease to be a feedlot merely because confined feeding, breeding, raising or holding of animals is not actually taking place at a given time; however, such areas, building or combinations which have not been used for confined breeding, raising or

holding of animals for a five-year period shall not be considered a feedlot until such use resumes.

FEMA. Federal Emergency Management Agency.

Fence. A man-made barrier forming a boundary to or enclosing a tract of land, or some portion thereof. Where applicable, the provisions of Minn. Stat. § 344, as amended, shall control the location and type of fence.

Field Windbreak. A strip or belt of trees or shrubs more than 100 feet in length, 50 feet or less in width, adjacent to or within a field.

Final Approval. The last official action of the approving agency taken on a development plan that has been given preliminary approval, after all conditions and requirements of preliminary approval have been met and the required improvements have either been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of such guarantees.

Final Plat. A drawing in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this Ordinance to be presented to the Town Board for approval, and which, if approved, may be duly filed with the County Recorder.

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

Flood Frequency. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe. That portion of the flood plain outside of the floodway.

Flood Plain. The area adjoining a watercourse that has been or hereafter may be covered by the regional flood.

Flood Proofing. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway. The channel of the watercourse and those portions of the adjoining flood plains that are reasonably required to carry and discharge the regional flood.

Floor Area. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings and shall include basement floor area except for porches, balconies, breezeways, and attic areas having a head room of less than 7'7".

Floor Area Ratio. The gross floor area of all buildings or structures on a lot divided by the total lot area.

Forestry. The management, including logging, of a forest, woodland or tree plantation and including related research and educational activities and the construction and maintenance of woodroads and skidroads.

Frontage. The boundary of a lot that abuts an existing or dedicated public street.

FWCBMD. For the purposes of this ordinance, farm wineries, craft breweries, and micro-distilleries when referred to together.

Garage. An accessory building or accessory portion of the principal building that is intended for and used exclusively to shelter private passenger vehicles of a family or those families residing on the premises.

Garage, Public. A building or portion of a building used for the storage of vehicles for remuneration.

Garage, Repair. A building or space for the maintenance of vehicles, but not including auto wrecking or junkyards.

Garage Sale. Garage sale shall include rummage sales, basement sales, yard sales, porch sales, and all other periodic sales at a residential location intended for the limited purpose of isolated or occasional sales as defined by Minnesota Statutes 297A.25 for the selling of used goods or home-crafted items by the residents thereof.

Governing Body. The Athens Township Board of Supervisors.

Group Family Daycare Facility. A state licensed daycare for no more than fourteen (14) children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Grade. (1) The average elevation of the land around a building; (2) the percent of rise or descent of a sloping surface.

Habitable Room. Any room in a dwelling other than a kitchen, bathroom, closet, pantry, hallway, cellar, storage space, garage, and basement recreation room.

Hardship. As used in connection in the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls and the plight of the landowner is due to circumstances unique to his property, not created by the landowner. Economic considerations

alone shall not constitute a hardship if reasonable use for the property exists under the terms of the Ordinance.

Hazardous Waste. Disposal of substances or material that, by reason of its toxic, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. As categorized by the U. S. Environmental Pollution Agency (EPA), hazardous waste includes, but is not limited to, inorganic mineral acids of sulphur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium, arsenic, and their common salts; lead, nickel and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts; and all radioactive materials.

(Significant) Historic Site. Any archeological 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 § 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 Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.

Home based craft sales. A home based activity selling items made or fabricated on site, such as, but not limited to: ceramics, pottery, rugs, wood products, art work, etc. Such sale events are limited to six (6) times per calendar year for no more than three days for each sale. Home based craft businesses are permitted uses.

Home Occupation – Permitted. Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit. Permitted home occupations shall not include the repair of motorized vehicles or internal combustion engines, uses conducted in an accessory building, or uses that require equipment that is substantially different from that typically found in residential dwellings.

Home Occupation – Permitted with Interim Use Permit. Any activity carried out for gain by a resident within an accessory building.

Hotel/Motel. A building having provision for five (5) or more guests in which lodging is provided with or without meals for compensation and that is open to transient or permanent guests and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby.

Impermeable. Not permitting the passage of water.

Impervious Surface. Any material that prevents absorption of stormwater into the ground.

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

Individual Septic Treatment System (ISTS). A system for the treatment and disposal of sanitary sewage in the ground on the lot upon which the primary use is located. A septic tank and soil absorption system or other individual cluster type sewage treatment system as described and regulated under Minnesota Rules Chapter 7080, as amended.

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

Industrial Waste. Solid waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a separate waste stream.

Infectious Waste. Laboratory waste, blood, regulated body fluids, sharps, and research animal waste that have not been decontaminated.

Interim Use. Temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use.

Interim Use Permit. A temporary permit issued by the Town Board granting approval of an interim use under conditions listed on said permit.

Irrigation System. Any structure or equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall including, but not limited to, wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.

Junkyard. An establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the Minnesota Pollution Control Agency (MPCA); whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five (5) or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.

Kennel, Private. Shall mean a place where no more than four (4) dogs are kept for private purposes. The keeping of more than four (4) dogs for private purposes shall require an interim use permit.

Kennel, Commercial. Shall mean a place where more than three (3) dogs of over six (6) months are kept for the purposes of breeding, sale or boarding.

Key Map. A map drawn to comparatively small scale that definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

Land Reclamation. The recovery or restoration of wasteland, wetlands, marshes, etc. by ditching, grading, filling, or similar means. Any lot or parcel of land upon which 400 cubic yards or more of fill is to be deposited shall be land reclamation.

Landscaping. Planting such as trees, shrubs, sod or seeding.

License. A permit, granted by an appropriate governmental body, generally for a consideration, to a person, firm, or corporation to pursue some occupation or to carry on some business subject to regulation under police power.

Licensed Daycare Facility. Any public or private facility required to be licensed by a governmental agency that provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Licensed day care facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult daycare centers, and day services.

Licensed Engineer. A person licensed as a professional engineer by the State of Minnesota.

Licensed Residential Care Facility. Any public or private facility required to be licensed by a governmental agency, that provides one or more persons with a 24-hour-per-day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include but are not limited to state institutions under the care of the Commissioner of Human Services, foster homes, residential treatment centers, group homes, residential programs, supportive living residences for functionally-impaired adults, or schools for handicapped persons. A facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquents on the basis of conduct in violation of criminal statutes pertaining to sex offenses shall not be considered a licensed residential care facility.

Livable Space. The total area, measured in square feet, of a story or stories of a residential dwelling, that is used for living space.

Livestock Waste Storage Facility. A diked enclosure, pit or structure for temporary disposal or storage of livestock wastes.

Loading Berth. An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.

Lot. A separately described parcel of land, with or without buildings, occupied or used for or intended for occupancy or any use permitted under the provisions of this Ordinance having not less than the minimum area required by this Ordinance for each use, including buildings to accommodate same, in the zoning district in which such lot is located and which abuts a public road, street or highway.

Lot Area. The area of a lot on a horizontal plane bounded by the lot lines.

Lot, Butt. A lot located on the end of a block, excluding corner lots.

Lot, Corner. A lot situated on the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

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

Lot, Through. Any lot other than a corner lot that abuts more than one street.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line.

Lot Frontage – Lot Line, Front. That side of a lot that abuts an existing or dedicated public road, street or highway.

Lot Line. Any boundary line of a lot, provided that where any lot is encroached upon by a public street, road or highway, or by any private road easement that was recorded in the office of the County Recorder prior to the effective date of this Ordinance or otherwise appears binding on the lot owner for the purpose of meeting the minimum requirements of this Chapter, the lot line shall be the right-of-way line of any such street, road, highway or private easement.

Lot Line, Rear. The boundary of a lot, other than a through lot, which is opposite the front lot line. If the rear lot line is less than 30 feet in length or if the lot forms a point in the rear, the rear lot line shall be a line 30 feet in length within the lot, parallel to the front lot line.

Lot of Record. Any lot that was recorded by deed or filed as a separate parcel in the office of the Isanti County Recorder on or before October 7, 1996 or any lot

where sufficient proof can be shown that an unrecorded contract for deed was entered into on or before October 7, 1996.

Lot Sideline – Lot Line, Side. Those lines of a lot that begin at the point of intersection with a public right-of-way and then run away from said right-of-way. Any boundary of a lot that is not a front lot line or rear lot line.

Lot, Substandard. See “substandard lot.”

Lot Width. The shortest horizontal distance between the side lot lines. Where the side lot lines do not run parallel, (a) if the side lot lines diverge from their intersection with the public right-of-way, the minimum lot width shall be measured one-half of the required setback distance from said right-of-way line; (b) if the side lot lines converge from their point of intersection with said right-of-way line, the minimum lot width shall be measured at the minimum setback line of that lot.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.

Malt liquor. Any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. Minnesota statute 340A.101, Subd. 9 or as amended.

Manufactured Home. A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent.

Manufactured Home Subdivision. A platted area of lots that is designed and intended for exclusive placement of manufactured homes and so stipulated by deed restrictions. Said lots must be for sale.

Manufacturing – Light (Industry). Any enterprise that includes the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not violate the performance standards found in this Chapter.

~~Mass Gathering. Any outdoor event, or one held in a structure or tent, attended by more than one hundred persons over any two-hour period. Non-recurring auctions and family events, such as family reunions, graduation parties, baptisms, confirmations, etc., and public community events shall not be considered a mass gathering.~~

May. Used to indicate a certain measure of likelihood or possibility; permissive.

Mean Flow Level. The average flow elevation of a stream or river computed as a mid-point between extreme low and extreme high water.

Metes and Bounds Description. A description of real property that is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Micro-distillery. A micro-distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

Mining. The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1000) cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building or structure provided such removal is an approved item in the building permit.

Motor Freight Terminal. A building or area in which freight brought by motor truck is transferred and/or stored for movement.

Motor Fuel Station. A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sales of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services; and the performance of minor automotive maintenance and repair.

Motor Court, Motor Hotel, or Motel. A building or group of buildings not to exceed two (2) stories other than a hotel used primarily as a temporary residence of a motorist, tourists or travelers.

Motor Vehicle. The meaning given to it in Minnesota Statutes, section 168.011, subd. 4, as amended, and also includes a park trailer as defined in Minnesota Statutes, section 168.011, subd. 8, as amended, and a horse trailer as defined in Minnesota Statutes, section 168.27, subd. 1, as amended.

Motor Vehicle Dealer. Any person, firm, or corporation, including licensed used motor vehicle dealers, wholesalers, auctioneers, and lessors of new or used motor vehicles, regularly engaged in the business of selling, purchasing, and generally dealing in new and used motor vehicles, and new and used motor vehicle bodies, chassis-mounted or not, having an established place of business for the sale, trade, and display of new and used motor vehicles, and new and used motor vehicle bodies, and that has new and used motor vehicles and new and used motor vehicle bodies for the purpose of sale or trade.

Motor Vehicle Sales. The sale, offering for sale, display for sale, or facilitating the sale of motor vehicles, new or used.

Motor Vehicle Sales Lot. Any lot, site, premises, or establishment where motor vehicles, new or used, are sold, offered for sale, or displayed for sale or where the sale of motor vehicles is facilitated.

Natural Waterway. A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Nightclub. A use engaged in the sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses, or a use other than a restaurant which provides general entertainment.

Nonconforming Structure or Use. Any structure or use lawfully established prior to the effective date of this Chapter but which is not permitted under the provisions of this Chapter.

Normal High Water Mark. A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high watermark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Noxious Matter or Materials. Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.

Nursery, Day. A facility where care is provided for pay for three (3) or more children for periods of four (4) hours or more per day.

Nursery, Landscape. A business that grows or sells trees, flowering and decorative plants and shrubs.

Nursing Home. A facility for aged, chronically ill, or incurable persons licensed by the Minnesota Department of Health providing nursing care and related medical services.

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 flood plain that may impede, retard, or change the direction of the flow of water, or regulatory flood plain that 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.

Office. A room or group of rooms used for the management of affairs of an establishment or for the non-retail, non-production conduct of affairs of a service, professional, institutional, or business nature.

Official Control. Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria all of which control the physical development of the township and are the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps.

Official Map. A map established by the Town Board, in accordance with State Statutes, showing streets, highways, parks and drainage, both existing and proposed. (Should not be confused with the zoning map.)

Off-Street Parking Lot. A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, or reserved for public or private use or enjoyment of the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Open Storage. Storage of material outside of a building. The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Outlot. A parcel of land on a plat that is unbuildable with the exception of public buildings, essential services, and parks. This designation may be due to insufficient size or frontage, peculiar site characteristics, a lack of public improvements or necessary replatting to utilize any remaining building rights. It may also delineate the area from which development rights have been taken to allow clustering on contiguous parcels to preserve open space. Type 1, 2 and 6

wetlands may be crossed to provide access to the buildable area of an outlot that is being used for the transfer of building rights. Future access roads are limited to the filling of 10,000 square feet with a minimum of road of twelve feet (12') in width. The outlot area must be above the flood plain elevation and, if there is no identified flood elevation, the access road must be three feet (3') above the OHW (ordinary high water elevation) of the adjacent wetland. (County)

Overhang. (1) The part of a roof or wall that extends beyond the façade of a lower wall; (2) the portion of a vehicle extending beyond the wheel stops or curb.

Owner. An individual, firm, association, syndicate, partnership, limited liability company, corporation, trust, or any other legal entity having a legal or equitable interest in land.

Parking Space. A surfaced and maintained area for the storage of a standard motor vehicle (9 feet by 20 feet).

Party Wall. A common wall that divides two independent structures.

Permitted Use. A use that is expressly permitted within a district established by this Chapter, provided that such use conforms with all requirements, regulations and performance standards (if any) applicable thereto.

Person. An individual, to include both male and female, and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.

Pine Plantation. A thick or dense planting of coniferous trees more than fifty (50) feet in width and more than one hundred (100) feet in length.

Planning Commission or Commission. The duly appointed Planning Advisory Commission of the Town Board.

Plat. A map or drawing which geographically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State laws.

Platted Area. A parcel of land described by block and lot.

Practical Difficulties. Means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes access to direct sunlight for solar energy systems.

Preliminary Plat. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Town Board for their consideration.

Principal Building. A building in which is conducted the principal use of the lot on which it is located.

Principal Use. The primary or main use of land and/or buildings upon same. Principal uses shall be generally categorized as agricultural, residential or commercial. If a use is mixed or might qualify under more than one of the general categories, the Planning Commission shall determine which category is applicable.

Professional Offices. The office of a member of a recognized profession maintained for the conduct of that profession.

Prohibited Use. A use that is not permitted in a zoning district.

Proof gallon is one liquid gallon of distilled spirits that is 50 percent alcohol at 60 degrees Fahrenheit. Minnesota 340A.101, Subd. 24a. Proof gallon.

Property. A lot, parcel, or tract of land together with the building and structures located thereon.

Property Line. The legal boundaries of a parcel of land.

Protective Restrictive) Covenants. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Enforcement of protective covenants shall be by the parties involved, not the Town Board.

Public Land. Land owned and/or operated by a governmental unit.

Public Road. Those roads under the direct authority of the Town, the County, the State or the Federal government.

Public tasting. Wine, malt liquors, or distilled spirits sampling by the general public.

Public Waters. Any water of the State that serves as a beneficial public purpose, as defined in Minn. Stat. 103G.005, Subdivisions 15 to 18, as amended.

Publication. Notice placed in the official Township newspaper stating the time, location, date of meeting and description of the topic(s).

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Receiving area. An area in the agriculture/residential district that denotes where building rights are being transferred into to complete the transfer of development rights for a plat.

Recreation Equipment. Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecues, and similar apparatus, but not including tree houses, swimming pools, playhouses exceeding 25 square feet of floor area, or sheds used for storage of equipment.

Recreational Facility. A place designed and equipped for the conduct of sports and leisure time activities.

Recreational Vehicle. A vehicle that is built on a single chassis, is four hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. For the purposes of this Chapter, the term recreational vehicle shall be synonymous with the term travel trailer/ travel vehicle.

Regional Flood. A flood that is representative of the largest flood known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

Registered Land Survey. A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minn. Stat. § 508.47.

Regulatory Flood Protection Elevation. A point not less than one (1) foot above the water surface profile associated with the regional flood, plus any increase in flood heights attributable to encroachment on the flood plain. It is the elevation to which uses regulated by this Chapter are required to be elevated or flood proofed.

Religious Facility. An institution primarily used for the gathering of people for the practice of religious faiths.

Repairable Motor Vehicle. A motor vehicle that can be repaired, rebuilt, or reconditioned for further use consistent with its usual functions; the term does not include a motor vehicle that has value only for its component parts.

Residential Use. A permanent place of residence for a family.

Restaurant. An establishment that sells unpackaged food to the customer in a ready-to-consume state, in individual servings, and where the consumer consumes these foods in the building, picks up the food from the building to consume elsewhere, or the food is delivered to the customer by employees of the restaurant.

Restaurant, Drive-Through. A restaurant providing a drive-through facility as defined elsewhere in this chapter.

Retail Sales. Stores and shops selling personal service or goods to consumers.

Retreat Center. A facility consisting of a building or buildings whose purpose is to offer hospitality, education, spiritual renewal or quiet recreation and offering temporary lodging. (County)

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, service, place or however designated.

Right-of-Way. The land covered by a public road or other land dedicated for public use or for certain private use, such as land over which a power line passes. (1) A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water line, sanitary storm sewer, and other similar uses; (2) generally, the right of one to pass over the property of another.

Salvage Yard. Any use that involves or includes the storing, keeping, salvaging and/or holding for sale of all or parts of the following: unlicensed and/or inoperable motor vehicles; used farm machinery and equipment unless used as part of a farm operation or unless held for sale under a permit authorized by this Chapter; scrap iron and scrap metals; and any other item or items which no longer customarily serve the purpose for which they were designed.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Selective Cutting. The removal of single scattered trees.

Self-Service Storage Facility. An establishment designed and used for the purpose of renting or leasing storage spaces to tenants who have sole access to such space for the storage of personal property.

Semi-Public 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.

Sending area. An area in the agriculture/residential district that denotes where building rights are coming from to complete the transfer of development rights for a plat.

Setback. The distance between a building and any lot line.

Setback, Pump. The distance from the street right-of-way to the centerline of the motor fuel station pump island, measured as the perpendicular distance from the right-of-way.

Sewage Treatment System. Septic tank and soil absorption system or other individual or cluster-type sewage treatment system as described and regulated in this and other chapters on sewage treatment.

Sewer System. Pumping force main, pipelines, or conduits, and all other construction, devices, appliances, or appurtenances used for conducting sewage, industrial waste, or other wastes to a point of ultimate disposal.

Shopping Center. A group of commercial establishments planned, developed, owned, or managed as a unit, related in size (gross floor area) and type of shops to the trade area that the unit serves, and with off-street parking provided on the property.

Shore Impact Zone. Land located between the ordinary high water (OHW) level of a public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.

Shoreland. Land located within the following distance from public water: (1) 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream; or the outward extent of a flood plain designated by Ordinance on such a river or stream, or more than 1000 feet from a lake, whichever is greater. For any plat that is approved containing any single lots that extend more than 300 feet from a river or stream, the shoreland district shall be enlarged so as to include each of said lots in their entirety.

Sight Distance Triangle. A triangular shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection. Such triangle shall be defined beginning at the intersection of the projected curb lines of two (2) intersecting streets or at the intersection of projected curb lines where a driveway intersects a street, measured thirty five (35) feet along each curb line and connected by a diagonal line.

Sign. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location.

Sign – Advertising (Billboard). A sign that directs attention to a business, commodity, services or entertainment at a location other than the premises on which the sign is located.

Sign – Business. A sign that 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.

Sign – Community. Signs erected with the purpose of identifying and promoting the community.

Sign – Flashing. An illuminated sign that is not constant in intensity or color at times of operation.

Sign – Gross Area of. The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Sign – Nameplate. A sign, located on the premises, giving the name and/or address of the owner or occupant of a building or premises.

Sign – Temporary. A sign allowed for a period of ninety (90) days, or until a short term condition is met, e. g. “For Sale.”

Site. Any lot or parcel or combination of lots or parcels assembled for the purpose of development.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the Township.

Sketch Plan. A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Solid Waste Management Facility. Any tract or parcel of land, including any constructed facility used for the treatment of, or preliminary, intermediate or final

disposal of solid waste, including, but not limited to, transfer station, incineration, composting, waste reduction and landfill disposal.

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 the Isanti County soil survey 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 twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Story. That portion of a building included between the surface of any floor and the surface of the floor 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 principal use.

Story, Half. That part of a building under the gable, hip, or gambrel roof, the wall plates of which are not more than four (4) feet above the floor.

Streets and Alleys.

1. Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.
2. Collector Street. A street that carries traffic from local streets to arterials.
3. Cul-De-Sac. A minor street with only one outlet and having a turn-around.
4. Service Street. Marginal access street, or otherwise designated, as a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
5. Local Street. A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
6. Alley. A minor way that is used primarily for secondary vehicular service access to the back or side of properties abutting on a street.
7. Arterial Street. A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the Township and beyond.

8. Street Width. The shortest distance between the lines delineating the right-of-way of a street.

Structure. Anything constructed or erected, the use of which requires location on or in the ground or attached to something having a location on or in the ground. “Structure” does not include accessory buildings smaller than 120 square feet, improved driveways, sidewalks or slabs.

Structure – Nonconforming. A structure that was legally existing on October 7, 1996, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this Chapter.

Structure, Temporary. Structures that are of a mobile nature and located on a property for no more than six (6) months in a 12-month period, such as ice fishing shanties, camping tents, enclosed trailers, and other similar facilities.

Structural Alteration. A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Subdivider. Any person, firm, corporation, partnership, limited liability company, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Subdivision. The division of a parcel of land after the effective date of the Subdivision Ordinance (Chapter 16 of the Town Code) into two or more lots or parcels, for the purpose of transfer or ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. If construction or development of a new street, road or highway is involved, any division of a parcel of land shall be considered a subdivision.

Substandard Lot. Any lot of record that does not meet the minimum lot area, frontage, setbacks or other dimensional standards of the Town Code.

Surveyor. A person duly registered as a land surveyor by the State of Minnesota.

Tasting room, A room in conjunction with a FWCBMD where the retail sales of FWCBMD products, associated accessory retail sales of non-food items, products by the bottle for off-premises consumption, and food items are allowed.

Gratuitous offerings of cheese, crackers, or condiments associated with sampling are permitted. Consumption and sale of alcohol shall be subject to all state laws and regulations, federal laws and regulations, and/or applicable laws and regulations.

Toxic Substance. Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

Transfer of Development Rights (TDR). The removal of the right to develop or build, expressed in dwelling units per acre or floor area, from land in one zoning district to land in another district where such transfer is permitted.

Travel and Camp Trailers. Any trailer or semi-trailer not used as a residence, but is used for temporary living quarters for recreational or vacation activities and that may be towed on public roads in connection with such use.

Truck Stop. A motor fuel station devoted principally to the needs of trucks and which shall include eating and/or sleeping facilities.

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

Use – Accessory. A use subordinate to and serving the principal use or structure on the same lot.

Used Motor Vehicle. A motor vehicle for which title has been transferred from the person who first acquired it from the manufacturer, distributor, or dealer. A new motor vehicle will not be considered a used motor vehicle until it has been placed in actual operation and not held for resale by an owner who has been granted a certificate of title on the motor vehicle and has registered the motor vehicle in accordance with Minnesota Statutes, Chapter 168, 168A and 297B, or the laws of the residence of the owner.

Variance. A modification or variation of the provisions of this Chapter where it is determined that, by reason of special and unusual circumstances relating to a specific lot, that strict application of this Chapter would cause practical difficulties.

Veterinary. Those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.

Waste. Infectious waste, nuclear waste, pathological waste, sewage sludge, solid waste and hazardous waste.

Warehousing. The storage of materials or equipment within an enclosed building.

Wetland. Lands that are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have two of the following three attributes:

1. Have a predominance of hydric soils;
2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for live in saturated soil conditions; and
3. Under normal circumstances, support a prevalence of such vegetation.

Wholesale. The selling of goods, equipment and materials by bulk to another business that, in turn, sells to the final customer.

Wine. The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from agricultural products other than sound, ripe grapes; imitation wine; compounds sold as wine; vermouth; cider; perry; and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits.

Wine case. A case that contains twelve (12) standard wine bottles (750 milliliters each).

Wine producer. Any person who has facilities and equipment for the conversion of grapes, berries, fruit, or other agricultural products into wine, and is engaged in the production of wine. All persons producing less than 200 gallons of wine per year for personal consumption are not considered wine producers.

Yard. That open space or those open spaces on a lot that do not contain any buildings.

Yard – Front. A yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of a building and is adjacent to a public road right-of-way. Any yard adjacent to a shoreline shall be considered a front yard.

Yard – Rear. A yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.

Yard – Side. A yard between the side line and the nearest line of the building and extending from the front yard line to the rear yard line.

Zoning Administrator. The person, regardless of job title, designated to supervise the application of this Chapter and to enforce the provisions thereof.

Zoning District. An area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, height and bulk of structures and premises, are uniform.

Zoning Map. That map or those maps incorporated into and being a part of this Chapter designating zoning districts, and as amended from time to time.

Zoning Ordinance. Zoning regulations controlling the use of land as adopted by Athens Township under this Chapter. Definitions in this Chapter also apply to the subdivision regulations (Chapter 16).