

FILLMORE COUNTY ZONING ORDINANCE

An Ordinance for the regulation of the use of land in the County of Fillmore including: setting minimum and maximum standards for the heights and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration, and imposing penalties for the violation of this Ordinance.

The Fillmore County Board Does Ordain As Follows:

SECTION 1

Title

101. This Ordinance shall be known, cited and referred to as the Fillmore County Zoning Ordinance.

SECTION 2

Intent and Purpose

201. This Ordinance is adopted for the purpose of:

- 1) Protecting the public health, safety, comfort, convenience and general welfare;
- 2) Protecting and preserving agricultural land;
- 3) Promoting orderly development of the residential, commercial, industrial, recreational and public areas;
- 4) Conserving the natural and scenic beauty and attractiveness of the county;
- 5) Conserving the natural resources in the county;
- 6) Providing for the compatibility of different land uses and the most appropriate use of land throughout the county;
- 7) Conserving the value of properties; and
- 8) Protecting the environment.

SECTION 3

Rules and Definitions

301. Rules

301.01. Word Usage

Board: The word “Board” includes the County Commissioners, the Board of County Commissioners or any other word or words meaning the Fillmore County Board of Commissioners.

Board of Adjustment: The “Board of Adjustment” shall mean the Fillmore County Board of Adjustment.

Commission: The “Commission” shall mean the Fillmore County Planning Advisory Commission.

Distances: Unless otherwise specified, distances shall be measured horizontally.

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

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

Masculine and Feminine Gender: The masculine gender includes the feminine and neuter genders.

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

Shall and May: The word “shall” is mandatory and not discretionary; the word “may” is permissive.

Singular and Plural: Words used in the singular shall include the plural and the plural the singular.

Tenses: Words used in the present tense shall include the future. In the event of conflicting provisions, the more restrictive provision shall apply. All words not specifically defined herein shall be defined according to common usage.

302. Definitions

- 1) Accessory Dwelling Unit:** A home used temporarily by a person who knows that the home must be moved from the site within a certain time period or when a certain job is accomplished.

- 2) **Accessory Use or Structure:** A use or structure, or portion of a structure, subordinate to and serving the principal use of a structure on the same lot and customarily incidental thereto.
- 3) **Agricultural Use:** The use of land for the growing and/or production of trees, crops, livestock, and livestock products for the production of income including but not limited to the following:
 - a. trees, when enrolled in a tree farm program authorized by the DNR and operated under a forest management program;
 - b. crops, including but not limited to: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, and wheat;
 - c. livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, rabbits, and mink;
 - d. livestock products including but not limited to: milk, butter, cheese, eggs, meat, fur, and honey.
- 4) **Agricultural Building or Structure:** Any building or structure existing or erected, which is used principally for agricultural purposes, with the exception of dwelling units.
- 5) **Alternative Support Structure:** Any structures including but not limited to clock towers, steeples, silos, light poles, water towers, free-standing chimneys, utility poles and towers, towers, buildings or similar structures that may support telecommunications facilities.
- 6) **Animal Feedlot:** A lot or building, or combination of lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
- 7) **Animal Manure:** Animal manure means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.
- 8) **Animal Unit:** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this definition, the following multiplication factors shall apply:
 - A. Dairy cattle:
 - (1) one mature cow (whether milked or dry);
 - (a) over 1,000 pounds, 1.4 animal units; or
 - (b) under 1,000 pounds, 1.0 animal unit;
 - (2) One heifer, 0.7 animal unit; and
 - (3) One calf, 0.2 animal unit;
 - B. Beef cattle:
 - (1) one slaughter steer or stock cow, 1.0 animal unit;
 - (2) one feeder cattle (stocker or backgrounding) or heifer, 0.7 animal units;

- (3) one cow and calf pair, 1.2 animal units; and
- (4) one calf, .02 animal unit;
- C. One head of swine:
 - (1) over 300 pounds, 0.4 animal unit;
 - (2) between 55 and 300 pounds, 0.3 animal unit; and
 - (3) under 55 pounds, 0.05 animal unit;
- D. One horse, 1.0 animal unit
- E. One sheep or lamb, 0.1 animal unit;
- F. Chickens:
 - (1) one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit;
 - (2) one chicken if the facility has a dry manure system:
 - (a) over five pounds, 0.005 animal unit; or
 - (b) under five pounds, 0.003 animal unit;
- G. One turkey:
 - (1) over five pounds, 0.018 animal unit; or
 - (2) under five pounds, 0.005 animal unit; and
- H. One duck, 0.01 animal unit; and
- I. For animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

9) Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

10) Antenna Building Mounted: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

11) Antenna Ground Mounted: Any antenna with its base placed directly on the ground.

12) Area: See Buildable Area or Lot Area.

13) Barnyard Waste: Any animal by-products or affiliated waste material.

14) Basement: A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

15) Bed and Breakfast Establishment: A dwelling which provides lodging and meals for overnight registered paying guests.

16) Berm: A mound of earth or the act of pushing earth into a mound.

17) Bluff (Bluffland): A high embankment or bold headland with a broad, precipitous, sometimes rounded cliff-face overlooking a plain or body of water, especially on the outside of a stream or meander-river bluff that rises or drops fifty (50) feet from the horizontal and

the slope averages thirty (30) percent or greater. Within a Shoreland District it shall include a topographic feature such as a hill, cliff, or embankment having the following characteristics:

- a. Part or the entire feature is located in a shoreland or Blufflands area.
- b. The slope rises at least twenty-five (25) feet above the plain or ordinary high water level of the waterbody;
- c. The grade of the slope from the top of the bluff to a point twenty-five (25) feet or more above the ordinary high water level or a plain averages thirty (30) percent or greater;
- d. The slope must drain toward the waterbody or plain (an area with an average slope of more than eighteen (18%) over a distance of fifty (50) feet or more shall be considered a part of the bluff).

18) Bluff (Shoreland): A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of more than eighteen (18%) over a distance of fifty (50) feet or more shall be considered a part of the bluff):

- a. Part or the entire feature is located in a shoreland area;
- b. The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody;
- c. The grade of the slope from the top of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;
- d. The slope must drain toward the waterbody.

19) Bluff Impact Zone (Shoreland): The bluff and land located within twenty (20) feet of the top of a bluff.

20) Bluff Impact Zone (Bluffland): The bluff and land located within fifty (50) feet of the top of a bluff and within thirty (30) feet of the toe of the bluff.

21) Bluffland Areas: Any land formation in Fillmore County where the geomorphic features of the land conform to the definition of “Bluff” as found in Section 302.

22) Bluffland Protection District: All land distally two-hundred (200) feet from the top of the Bluff and one-hundred (100) feet distally from the Toe of the Bluff plus all lands between the Top of the Bluff and Toe of the Bluff.

23) Buildable Area: The area of a lot remaining after the minimum yard requirements of this Ordinance have been met.

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

25) Building Site: A parcel or part of a parcel of land where buildings are located.

26) Building, Agricultural: All buildings, other than dwellings, which are incidental to Agricultural Uses.

27) Building Height: Height is determined by the average elevation of the dirt surrounding a dwelling and the average elevation, of all four (4) sides of the dwelling, between the tallest

peak of the dwelling and the tallest plate holding that peak.

- 28) Building Setback Line:** A line parallel to the street right of way and side and rear lot lines at any story level of a building and representing the minimum distance which all or any part of the building is set back from said property line.
- 29) Business:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- 30) Camouflaged Tower:** Any telecommunications tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. Camouflaging may be accomplished by a suitable combination of the following examples: lack of lighting, low tower height, non-contrasting colors, screening and landscaping, and others.
- 31) Campground:** A plot of ground upon which five or more camp-sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation, education, or vacation purposes. A campground is not a PUD.
- 32) Campsite:** A location upon which one temporary dwelling is located.
- 33) Cabin:** A single family dwelling.
- 34) Carcass:** The remains of a dead animal.
- 35) Carrier:** Any company licensed by the Federal Communications Commission (FCC) to build personal wireless telecommunications facilities and operate personal wireless telecommunications services. Also called a provider.
- 36) Cemetery:** Property used for the interment of the dead.
- 37) Church:** A building where persons regularly assemble for religious service and which is maintained and controlled by an organized group for public worship.
- 38) Clear-Cutting:** The entire removal of a stand of vegetation.
- 39) Clustering/Cluster Housing:** A development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.
- 40) Co-location:** Any telecommunications facility comprised of a single telecommunications tower or building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.
- 41) Commercial Use:** The principal use of land or building for the sale, lease, rental, or trade of products, goods, and services.
- 42) Commissioner:** For the purposes of Sections 610 and 612 the term “Commissioner” shall mean the Commissioner of the Department of Natural Resources.

- 43) Community Water and Sewer System:** Utilities systems serving a group of buildings, lots, or an area of the county, with the design and construction of such utility systems as approved by the county and the State of Minnesota.
- 44) Conditional Use:** A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion.
- 45) Condominium:** A form of individual ownership with a multiple family dwelling unit 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 other common property of the building.
- 46) Construction Debris:** Waste building materials resulting from construction, remodeling, repair and/or demolition operations.
- 47) Cooperative:** A multiple family dwelling unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.
- 48) Corner Lot:** A lot situated at the junction of and fronting on two or more roads or highways.
- 49) Country Inn:** A dwelling, which provides lodging, meals, special facilities, catering, and other, organized activities for overnight registered guests.
- 50) County:** Fillmore County, Minnesota.
- 51) Crop Land:** The use of land for the production of, but not limited to, adopted row or close sown crops, fruits, and nuts.
- 52) Days:** Defined as calendar, unless specified otherwise.
- 53) 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 above the ground.
- 54) Decorah Shale:** The Decorah shale is a geologic unit of green-gray shale found above the Platteville and Glenwood formations (which is above the St. Peter sandstone) and below the Cummingsville formation of limestone and shale. The edge of this formation is found where erosion has removed the overlying Cummingsville formation exposing the Decorah shale in an outcrop or so that it is the first encountered bedrock.
- 55) Depth of Lot:** The mean horizontal distance between the mean front street line and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
- 56) Depth of Rear Yard:** The mean horizontal distance between the rear building line and the

rear lot line.

- 57) Detrimental:** Causing damage or harm, injurious.
- 58) Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation, or drilling operation.
- 59) Disposal System:** A system for disposing of sewage, industrial waste and other wastes, and includes sewer systems and treatment works
- 60) Dredging:** The process by which soils, mostly in the form of silt, or other surficial materials which are transported by surface water as a product of erosion into a body of water are removed for the purpose of deepening the body of water.
- 61) Dwelling:** The house or other structure in which a person or persons live or use as a place of shelter or habitation on a temporary, seasonal, or permanent basis.
- 62) Dwelling Site:** A designated location for residential use by one or more persons using a permanent or temporary shelter. The shelter may be affixed or movable, including camping and recreational camping vehicles.
- 63) Dwelling Unit:** A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses. There are three (3) principal types:
- a. Single-family Detached: A free standing residence structure for or occupied by one (1) family only and containing no common party walls.
 - b. Single-family Attached: A residential building containing two (2) or more dwelling units with one or more common walls, but providing separate cooking and bathing facilities.
 1. Duplex: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
 2. Townhouse: A residential building containing two (2) or more dwelling units with at least one (1) common wall, each unit so oriented as to have all exits open to the outside.
 - c. Multiple Family: A residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a large (detached), with separate sanitary and cooking facilities for each family.
- 64) Easement:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
- 65) Electrical Distribution Line:** That portion of an electric system, not including buildings, used to deliver electric energy from points on a transmission line or bulk power system to a consumer and carrying 30,000 volts or less.
- 66) Electrical Transmission Line:** That portion of an electric system, not including buildings, used to transfer electricity in bulk. The line ends when it is transformed to a distribution line for distribution to ultimate consumers.

- 67) Essential Services:** The erection, construction, alteration, or maintenance of underground, surface or overhead electrical, gas, steam, water and sewerage transmission, distribution and collection systems and distribution, and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service, but not to include any buildings.
- 68) Excavation:** The act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting there from.
- 69) Exterior Storage:** (Includes Open Storage) The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- 70) Extractive Use:** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
- 71) Family:** An individual or two or more persons living together as a single housekeeping unit in a dwelling unit.
- 72) Farmers Market:** An organized site where three (3) or more producers of locally produced products, including but not limited to, crafts, garden produce, plants, flowers, non-potentially hazardous food products or food sold from a licensed concession stand or mobile retail food vehicle, are sold.
- 73) Fill:** Any act, by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, or transported and shall include the conditions resulting therefrom.
- 74) Flood Fringe:** That portion of the flood plain outside of the floodway.
- 75) Flood Plain:** The channel or beds proper and the areas adjoining a wetland, lake, or watercourse, which have been, or hereafter may be covered by the regional flood. Flood plain areas within Fillmore County shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.
- 76) 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.
- 77) Floodway:** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- 78) Floor Area:** The sum of the gross horizontal areas of several floors of a building measured from the exterior walls, including basements and attached accessory buildings.
- 79) Forest Land Conversion:** The clear cutting of forest lands to prepare for a new land use other than the re-establishment of a subsequent forestland.

- 80) Garage, Private:** An accessory structure designed to store power driven vehicles.
- 81) Garage, Public:** Any structure, except those described as a private garage, used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or are kept for remuneration, hire, or sale.
- 82) Garbage:** Putrescent animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of food, and including food containers.
- 83) Grade:** The average of the finished level at the center of the exterior walls of the building. For an earth sheltered building grade means the average of the finished level at the center of the lot. For a building with earth berms but less than 50 percent earth covering, grade means the average of the finished level at the center of the building at the beginning of the earth berm.
- 84) Grass Buffer:** Grass or other dense vegetation planted for the purpose of diverting or filtering materials.
- 85) Greenbelt:** A planting strip of grass, trees and shrubs established and maintained for the purpose of screening or limiting the view of certain property uses from the general public.
- 86) Greywater System:** An Individual Sewage Treatment System that does not contain toilet waste.
- 87) Groundwater:** The supply of fresh water under the earth's surface that forms a natural reservoir.
- 88) Guest Cottage:** A dwelling.
- 89) Guyed structure:** Any telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.
- 90) Hazardous Waste:** Waste designated as hazardous by the United States Environmental Agency or appropriate State Agency.
- 91) Height, Telecommunications Tower:** The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, and lighting.
- 92) Historical Structure:** A structure, which is listed on the National Register of Historic Places.
- 93) Home:** A dwelling.
- 94) Home Occupation:** Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit. Such units include professional offices, minor repair shops, photo or art studios, dressmaking, barbershops, beauty shops, bed and breakfast establishments, or uses deemed similar by the Planning

Commission or City Council.

95) Hunting Shack: A dwelling.

96) Imminent Public Health Threat: Means situations with the potential to immediately and adversely effect or threaten public health or safety. At a minimum, this means ground surface or surface water discharges and sewage backup into a dwelling or other establishment.

97) Impounded Waters: Water that is stored in an open pit.

98) Industrial Waste: Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

99) Intensive Vegetative Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

100) Irregular Parcel: Any piece of land less than 5.0 acres that has been created by the construction of a public roadway.

101) ISTS: An Individual Sewage Treatment System including a tank and associated pumps and pipes.

102) Junk Yard: Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including but not limited to: scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or three (3) or more inoperative motor vehicles or trailers for a period in excess of three (3) months shall also be considered a junk yard.

103) Karst Topography: A terrain generally underlain by limestone in which the topography is chiefly formed by the dissolving of rock, which is commonly characterized by channeling, closed depressions, subterranean drainage, and caves.

104) Kennel: Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, profit, etc.

105) Kindred, Degree of: Degrees of Kindred shall be defined as follows:

1. First Degree is parent or child.
2. Second Degree is brother, sister, grandparent or grandchild.
3. Third Degree is uncle or aunt, nephew or niece, grandparent or grandchild.
4. Fourth Degree is first cousin, granduncle or aunt, grandnephew or niece, or great-great grandparent or great-great grandchild.

Relatives of the half blood inherit the same share they would inherit if they were of the whole blood. (MN Stat. 524.2-107)

106) Land Occupier: Any person, firm, corporation, municipality, or other legal entity who holds title to, or is in possession of any lands lying within the district, whether as owner,

lessee, renter, tenant, or otherwise. Where the term “land occupier” is used in this ordinance, the term shall include both the owner and the occupier of the land when they are not the same.

- 107) Land Owner:** Any person, firm, corporation, municipality, or other legal entity that holds title to or is in possession of any land.
- 108) Large Assemblies:** Any public or private gathering of one thousand (1,000) or more persons at any single time or at any location in the Agricultural District for the purpose of musical, racing, promotional, social, entertainment or other similar type of activity. Large assemblies include the activities of permitting, maintaining, promoting, conducting, advertising, acting as entrepreneur, undertaking, organizing, managing, selling and/or giving tickets to an actual or reasonably anticipated assembly of one thousand (1,000) or more people. This shall not apply to:
- a. Any permanent place of worship or auctions conducted by licensed auctioneers.
- 109) Lattice Structure:** A telecommunications tower that consists of vertical and horizontal supports and crossed metal braces.
- 110) Livestock:** Farm animals kept for use and/or sale (livestock = animal units as defined under “animal units”).
- 111) Livestock Waste Lagoon:** A diked enclosure for disposal of livestock wastes by natural process.
- 112) Living Space:** That area of a building normally used by humans as part of their habitation and shelter, which shall include all areas normally and regularly used for sheltering human beings or their personal property. Basements, whether finished or unfinished, shall be considered living space. Attics, unless finished and used as additional habitation, shall not be included. Garages designed and/or used for the sheltering of automobiles shall not be included.
- 113) Lot:** A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision of record or survey map, for the purpose of sale or lease or separate use thereof. A lot need not be a lot of existing record.
- 114) Lot of Record:** Any lot which is one unit of a plat heretofore duly approved and filed or one unit of an Auditor’s Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Fillmore County, Minnesota prior to the effective date of this Ordinance.
- 115) Lot Area:** The area of a lot in a horizontal plane bounded by the lot lines.
- 116) Lot, Corner:** A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- 117) Lot Coverage:** The area of the zoning lot occupied by the principal buildings and accessory buildings. Earth berms are not to be included in calculating lot coverage. Only

the above grade portions of an earth-sheltered building should be included in lot coverage calculations.

- 118) **Lot Depth:** The mean horizontal distance between the front lot line and the rear lot line of a lot.
- 119) **Lot Line:** The property line bordering a lot except that where any portion of a lot extends into the public right-of-way, the right-of-way line shall be the lot line for purposes of this Ordinance.
- 120) **Lot Line, Front:** That boundary of a lot, which abuts an existing or dedicated public street and in the case of a corner lot it shall be the shortest dimension on a public street.
- 121) **Lot Line, Rear:** That boundary of a lot, which is opposite, the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line. Every lot shall have a rear lot line.
- 122) **Lot Line, Side:** Any boundary of a lot, which is not a front lot line or a rear lot line.
- 123) **Lot, Substandard:** A lot or parcel of land for which a deed has been recorded in the office of the Fillmore County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
- 124) **Lot Width:** The maximum horizontal distance between the side lot lines of a lot measured within the first thirty (30) feet of the lot depth.
- 125) **Manufactured Home:** “Manufactured home” means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three-hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the standards established under Minnesota Statute Chapter 327.
- 126) **Manufactured Home Park:** Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. “Manufactured Home Park” shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such manufactured home park.
- 127) **Manufactured Home Stand:** The part of an individual manufactured home lot, which has been reserved for placement of the manufactured home, appurtenant structures, or additions.

- 128) Manufactured Home Subdivision:** A subdivision intended for placement of manufactured homes or conventional homes, having a minimum of ten (10) lots and at least thirty (30%) percent of the lots must be occupied by manufactured homes.
- 129) Manure Storage Area:** Manure storage area means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas.
- 130) Metes and Bounds:** A method of property description by means of their direction and distance from an easily identifiable point.
- 131) Mobile Home:** A Manufactured Home.
- 132) Mobile Home Park:** A Manufactured Home Park.
- 133) Modular Home:** A non-mobile dwelling unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.
- 134) Monopole Structure:** A telecommunications tower of a single pole design.
- 135) Motel (Motor Court):** A building or group of detached, semi-detached or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.
- 136) Motor Home or Recreation Vehicle:** A Recreational Camping Vehicle.
- 137) Non-Conforming Uses:** A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.
- 138) Non-riparian lot:** A lot, which has no area fronting a surface-water feature.
- 139) Notification:** Notification means all landowners within the notice or affected area as defined in Sections 504, 505, and 506 pertaining to conditional uses, variances, and requests for zoning amendments, respectfully, shall be sent a letter by First Class mail identifying a public hearing to take place.
- 140) Nuisance:** Any noise, odor, vibration, smoke, air pollution, liquid or solid waste, glare, heat, or dust condition which exceeds adopted standards and creates an irritation, annoyance, or health hazard.
- 141) Nursery, Landscape:** A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
- 142) Nursing Home:** A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily and/or mental disorders. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statutes, § Section

144.A01, subd. 5.

- 143) Obstruction:** (Waterway) Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, dredged spoil channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory flood plain which may impede, retard or change the direction of the flow, either in itself or by catching or collecting debris carried by flood water.
- 144) Off-Street Loading Space:** A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one (1) vehicle of the type typically used in the particular business.
- 145) Open Pit:** The area of land created by moving the earth.
- 146) Open Sales Lot:** (Exterior Storage) Any land used or occupied for the purpose of buying and selling any goods, materials or merchandise and for storing of same under the open sky prior to sale.
- 147) Operation:** Operation means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications, or for other business related activities, it shall be deemed in operation.
- 148) Ordinary High Water Level:** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to terrestrial. For watercourses, it is the elevation of the top of the bank of the channel.
- 149) Parking Space:** A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.
- 150) Pedestrian Way:** A public or private right-of-way across or within a block, to be used by pedestrians.
- 151) Pesticides:** Any substance used to prevent, destroy, or repel undesirable plants or animals, including herbicides, insecticides, fungicides, and rodenticides.
- 152) Planned Unit Development:** A development of a unified site whereby dwelling units or dwelling sites are grouped or clustered in and around common open space areas, whether for sale, rent, or lease in accordance with a pre-arranged site plan submitted by a developer and requiring membership in an association. A campground is not a PUD.
- 153) Portable Building:** A structure that can be moved when empty.
- 154) Practical Difficulties:** Practical difficulties, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable

manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

- 155) Prime Land:** Land classified as A, A-, B, or B- land as of 1994 or land with crop equivalency rating of 65 or greater.
- 156) Principal Structure or Use:** One that determines the predominant use as contrasted to accessory use or structure.
- 157) Private Game Farm:** A parcel of land or part of a parcel of land where upon the land occupier raises animals and fences them in or encages said animals for the purpose of allowing individuals to hunt, trap, or capture them for barter, fee, or any other form of compensation.
- 158) Property Line:** The legal boundaries of a parcel of property, which may also coincide, with a right-of-way line of a road, cartway, and the like.
- 159) Property Owner:** Any person, association or corporation having a freehold estate interest, leasehold interest extending for a term or having renewal options for a term in excess of one year, a dominant easement interest, or an option to purchase any of same, but not including owners or interests held for security purposes only.
- 160) Protective Covenant:** A contract entered into between private parties, which constitute a restriction of the use of a particular parcel of property. Such covenants shall be considered valid only when they are recorded and filed in the office of the Fillmore County Recorder.
- 161) Provider:** See Carrier.
- 162) Public Land:** Land owned or operated by municipal, school district, county, state, or other governmental units.
- 163) Public Waters:** Any waters as defined in Minnesota Statutes, Section 103 G.005, Subd 15.
- 164) Qualified Employee:** An individual employed by a unit of government who is certified to inspect ISTS work.
- 165) Ravines:** A small narrow steep-sided valley that is larger than a gully and smaller than a canyon and is worn by running water.
- 166) Recreational Camping Area:** Campground.
- 167) Recreational Camping Vehicle (RCV):** Recreational Camping Vehicle includes any of the following:
- a. any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, or vacation use;
 - b. any structure designed to be mounted on a truck chassis for use as a temporary

- dwelling for travel, recreation, and vacation;
- c. any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
 - d. any folding structure mounted on wheels and designed for travel, recreation, and vacation use.
- 168) Recreation, Commercial:** Includes all uses such as bowling alleys, roller and ice-skating rinks, driving ranges and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment to the public.
- 169) Recreation, Public:** Includes all uses such as tennis courts, ball fields, picnic areas and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
- 170) Refuse:** Discarded waste materials in a solid or semi-liquid state consisting of garbage, rubbish, or a combination thereof.
- 171) 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 Registered Land Survey Number (see Minnesota Statutes 508.47).
- 172) Regional Flood:** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Rate Map.
- 173) Regulatory Flood Protection Elevation:** An elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the Flood Plain that result from designation of a floodway.
- 174) Residence:** A dwelling.
- 175) Residential Planned Unit Development:** A PUD where the nature of residency is non-transient and the primary focus of the development is not service oriented.
- 176) Resort:** A development consisting of buildings, campsites, parking areas, or recreation areas, for lease or rent for temporary dwellings, on one tract of land, under one ownership for the purpose of vacationing, relaxation, or recreation.
- 177) Riparian Lot:** A Lot with area fronting a surface water feature.
- 178) 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, place, or however otherwise designated.
- 179) Rock Crushing:** The process whereby rock is reduced in size by mechanical means.
- 180) Rock Quarry:** A parcel of land or part of a parcel of land where mining activities are

undertaken to extract rock or other minerals from the subsurface terrain. Said rock or other minerals being removed from the ground with the use of explosives and heavy equipment is reduced in size so as to be made useful for the public.

- 181) Rubbish:** Non-putrescible solid waste including ashes consisting of both combustible and non-combustible waste such as paper, cardboard tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
- 182) Roadside Stand:** An unenclosed temporary structure used for the sale of goods and so designed and constructed that the structure is easily portable and can be readily removed.
- 183) Rural Home Based Business:** Any commercial or industrial business carried on in the Ag District, as outlined in Section 734.
- 184) Sand Pit:** A parcel of land or part of a parcel of land where mining activities are undertaken to extract sand from the subsurface terrain. Said sand being removed from the ground with the use of heavy equipment is piled and stored for sale to the public.
- 185) Sanitary Landfill:** A method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.
- 186) Satellite Dish Antenna:** An apparatus specifically designed and capable of receiving and/or sending communications from a transmitter or transmitter relay located in planetary orbit.
- 187) Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.
- 188) Selective Cutting:** The removal of single scattered trees.
- 189) Semi-Public Uses:** The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- 190) Sensitive Resource Management:** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- 191) Septic System:** A system of treating human waste by the use of a septic tank and drainfield or other individual or cluster type sewage treatment system as described and regulated in Minnesota Rule 7080 Sewage Treatment System.

- 192) Setback:** The minimum horizontal distance between a structure or sewage treatment system or other facility and a property line, ordinary high water level, top of bluff, road or other facility as found in Minnesota Rule 6120.2500.
- 193) Sewage:** The water carried waste products from residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with such groundwater infiltration and surface water as may be present.
- 194) Sewer System, Central:** Any sanitary sewer system, public or private, serving a group of buildings, lots, or an area of the County discharged to a common treatment and disposal structure and meets the County and State Health and Sanitation Regulations.
- 195) Sewer System, Community:** A sanitary sewer system comprised of lateral and/or trunk sewer lines connecting a house, building or structure with and consisting in part of a sewage treatment facility, owned by a homeowners association or other group, organization, company or cooperative other than a government agency. Such system must be approved by the County Zoning Administrator and the State Health Department. Such systems may consist of a common or community septic system when the number of units so attached and soil conditions, topography, water table and subsoil structure so permits.
- 196) Sewer System, Municipality:** A sanitary sewer system of lateral and/or trunk sewer lines connecting a group of buildings or an area to a central treatment plant owned and operated by such municipality or Sewer District under a Joint Power Agreement.
- 197) Shore Impact Zone:** Land located between the ordinary high water level of public water and a line parallel to it at a setback of fifty (50) percent of the building setback.
- 198) Shoreland:** Means land located within the following distances from public waters. (1) one-thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and (2) three-hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources.
- 199) Sign:** Any letters, figures, design, symbol, trademark, architectural or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever and painted, printed, or constructed and displayed in any manner whatsoever for recognized advertising purposes. For purposes of this Ordinance, a flag constitutes a sign, but not including an emblem, or insignia of a government, school or religious group when displayed for official purposes.
- 200) Sign, Advertising:** A sign, which directs attention to business, commodity, service, activity, or entertainment not necessarily, conducted, sold, or offered upon the premises where such a sign is located.
- 201) Sign, Business:** A sign, which directs attention to a business or profession or to a

commodity, service, or entertainment, sold or offered upon the premises where such a sign is located.

- 202) Sign, Flashing:** Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
- 203) Sign, Flat Wall:** A sign affixed directly to the exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18) inches at all points.
- 204) Sign, Projecting:** A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- 205) Sign, Pylon:** A freestanding sign erected upon a single pylon or post, which is in excess of ten (10) feet in height, with a sign mounted on top thereof.
- 206) Sign, Rotating:** A sign, which revolves or rotates on its axis by mechanical means.
- 207) Sign, Surface Area Of:** The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside of the limits of such sign and not forming an integral part of the display.
- 208) Sign, Temporary:** A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wall board, or similar material and intended to be displayed for a limited period of time.
- 209) Significant:** Having or likely to have a major effect. May also mean important.
- 210) Sinkhole:** A surface depression that is formed by the erosion of material into or the collapse of underlying cavernous bedrock (generally limestone or dolomite).
- 211) Site Development Plan:** A site development plan for construction which shall include at a minimum, the proposed location of the structure, the site elevations and the height of the structure, the location of the sewer and well, a construction erosion control plan if the site is over twelve (12%) slope.
- 212) Soil Survey:** A soil map or inventory of the soils of an area and a report of text describing the kinds of soils shown on the map and summarizing what is known about these soils, including their classification and capabilities.
- 213) Solar Access Space:** That airspace above all lots within the District necessary to prevent any improvement, vegetation, or tree located on said lots from casting a shadow upon any Solar Device located within said zone greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property lines of said lots between the hours of 9:30 a.m. and 3:30 p.m., Central Standard Time on December 21, PROVIDED, HOWEVER, this Ordinance shall not apply to any improvement or tree which casts a shadow upon a Solar Device at the time of the installation of said device or to vegetation existing at the time of installation of said Solar Device.

- 214) Solar Collector:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.
- 215) Solar Energy System:** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system), to qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction. Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.
- 216) Solar Skyspace:** The space between a solar energy collector and the sun, which must be free of obstructions that shade the collector to an extent, which precludes its cost effective operation.
- 217) Solar Skyspace Easement:** A right, expressed as an easement, covenant, condition or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar sky space of an actual, proposed or designated solar energy collector at a described location by forbidding or limited activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two (2) methods.
- 218) Solar Structure:** A structure designed to utilize solar energy as an alternate for, or supplement to conventional mechanical heating system.
- 219) Solid Waste:** Garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, and agricultural operations and from community activities. Solid waste does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.
- 220) Steep Slope:** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the sites soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and Ag practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes of over twelve percent (12%) as measured on horizontal distances of fifty (50) feet or more that are not bluffs.
- 221) Story:** That portion of a building included between the surface of any floor and the surface of the next floor above, including below ground portions of earth-sheltered buildings.
- 222) Story, Half:** A half story is an upper most story lying under a sloping roof, the usable

floor area of which does not exceed seventy-five (75%) percent of the floor area of the story immediately below it, and not used, or designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling. A half story containing independent apartments or living quarters shall be deemed a full story.

- 223) Street:** A public right-of-way, which affords primary means of access to abutting property and shall also include avenue, highway, road, or way.
- 224) Street, Pavement:** The wearing or exposed surface of the roadway used by vehicular traffic.
- 225) Street Width:** The width of the right-of-way, measured at right angles to the centerline of the street.
- 226) Structure:** Anything constructed, placed, or erected, the use of which requires location on, in, or under the ground or attachment to something having a location on, in, or under the ground. Includes but not limited to buildings, poles, cables, pipes, bridges, and portable living quarters. For the purposes of this Ordinance, the pouring of cement or asphalt flat on the ground shall not be considered a structure.
- 227) Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.
- 228) Subdivision:** Is a described tract of land, which is to be, or has been divided into three or more lots for the purpose of immediate or future transfer of ownership for the purpose of sale or of building development, including the re-subdivision or re-platting of land or lots.
- 229) Surface Water Oriented Commercial Use:** The use of land for commercial purposes where access to and use of a surface water feature is an integral part of the normal conductance of business, such as marinas, resorts, and restaurants with transient docking
- 230) "T":** The tolerable soil loss level as defined in Section 2 of the Soil Conservation Technical Guide.
- 231) Telecommunications Facility:** A facility, site, or location that contains one or more antennas, telecommunications towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding facilities exempted under Section 3.
- 232) Telecommunications Facility Structure:** A telecommunications tower or alternative support structure on which telecommunications antenna(s) may be mounted.
- 233) Telecommunications Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under 733.03.

- 234) Toe of the Bluff:** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a fifty (50) foot segment measured on the ground with an average slope exceeding eighteen (18%) percent.
- 235) Top of the Bluff:** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a fifty (50) foot segment measured on the ground with an average slope exceeding eighteen (18%) percent.
- 236) Townhouse:** A single-family building attached by party walls with other single-family buildings, and oriented so that all exits open to the outside.
- 237) Travel Trailer:** A recreational camping vehicle.
- 238) Use:** The purpose or activity, for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.
- 239) Use, Accessory:** A use secondary to and serving the principal use or structure on the same lot and customarily incidental thereto.
- 240) Use, Permitted:** A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.
- 241) Use, Principal:** The main use of land or buildings as distinguished from subordinate or accessory use. A “principal use” may be either permitted or conditional.
- 242) Utility:** See Essential Service.
- 243) Utility Pole Mounted Antenna:** An antenna attached to or upon an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light, or other approved similar structure.
- 244) Variance:** A modification or variation of the provisions of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.
- 245) Variance:** A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific parcel, that strict application of the Ordinance would cause undue hardship. Use constitute undue hardships, while area variances constitute practical difficulties.
- 246) Warranted Systems:** Warranted Systems are wastewater technologies or designs (new or existing) for which documentation and a warranty has been submitted to the Minnesota Pollution Control Agency (MPCA). Warranted Systems are not standard, alternative, or experimental systems as defined in Minnesota Rules Chapter 7080.
- 247) Water Bottling:** The act of putting water in a container for the purpose of selling or distribution to the general public.

- 248) Water Oriented Accessory Structure:** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to a public waters than normal structure setback. Examples of such structures include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
- 249) Wetland:** Land which is annually subject to periodic or continual inundation by water and commonly referred to as bog, swamp, or marsh.
- 250) Wildlife Management Areas:** Wetland, uplands, or woods owned and managed for wildlife by the Department of Natural Resources (DNR) where hunting is open to the public during regular season.
- 251) Yard:** A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located. For earth sheltered buildings and buildings covered with earth berms, the line of the building is measured from the exterior surface of the building regardless of whether it is above or below grade.
- 252) Yard, Front:** A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to a depth required in the setback regulations for the zoning district in which such lot is located.
- 253) Yard, Rear:** The portion of the yard on the same lot with the principal building located between the rear lot line and a line at a distance specified by these regulations and extending for the full width of the lot.
- 254) Yard, Side:** The yard extending along the side lot line between the front yard and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
- 255) Zoning Amendment:** A change authorized by the County either in the allowed use within a district or in the boundaries of a district, the Zoning Ordinances, and/or the zoning map.
- 256) Zoning District:** An area or areas within the limits of the County for which the regulations and requirements governing use are uniform.
- 257) Zoning Map:** The map bearing the description “Official Zoning Map for Fillmore County” together with all proper notations, references and other information shown thereon.