

SECTION 4. RULES AND DEFINITIONS

SUBDIVISION 1. PURPOSE

A. WORD USAGE

For purposes of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "lot" shall include the word "plot" and the word "shall" is mandatory and not discretionary.

B. PERMITTED USES

1. Permitted uses of land or structures, as hereinafter listed, shall be allowed in the districts indicated under the conditions specified. No structure or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such structure or land shall be located, except for the following exceptions:
 - a. Uses lawfully established prior to the effective date of this Ordinance.
 - b. Conditional Uses allowed in accordance with Subdivision 1.C. of this Ordinance.
 - c. Essential services erected, constructed, altered, or maintained by public utilities or by governmental departments or commissions, subject only to the permit requirements as set forth in this Ordinance.

C. CONDITIONAL USES

Conditional Uses of land or structures, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of this Ordinance. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

D. SIGNIFICANT DATES:

(TABLE ON NEXT PAGE)

Ordinance or Amendment	Effective Date	Summary
Primary and Alternative SSTS Sites	January 23, 1996	Lots created after date must have sufficient area for a minimum of two (2) Type 1 subsurface sewage treatment systems
Nonconforming Structures and Land Uses in Floodway and Flood Fringe District	July 6, 1999	Lawful nonconforming structures and uses may continue with conditions set forth in Section 24 of this Ordinance
Lot of Record	July 9, 2009	See Definition
New or Expansion of Feedlots	June 10, 2010	New or expansion of feedlots shall conform to current Section 16 standards and Minnesota Administrative Rules
Existing Building Sites	June 18, 1996	See Definition

SUBDIVISION 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally

ABSORPTION AREA – The design parameter that is associated with the hydraulic acceptance of effluent. The absorption area for mound systems is the original soil below a mound system that is designed to absorb sewage tank effluent. The absorption area for trenches, seepage beds, and at-grade systems is the soil area in contact with the part of the distribution medium that is designed and loaded to allow absorption of sewage tank effluent. This includes both bottom and sidewall soil contact areas.

ADULT USES - A use, business or establishment, including but not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.

ADULT USES, ACCESSORY - A use, business or establishment having ten (10) percent or less of its stock in trade or floor area allocated to, or twenty (20) percent or less of its gross receipts derived from movie rentals or magazine sales.

ADULT USES, PRINCIPAL - A use, business or establishment having more than ten (10) percent of its stock in trade or floor area to, or more than twenty (20) percent of its gross receipts derived from movie rentals or magazine sales.

AGENCY - The Minnesota Pollution Control Agency (MPCA) as established in Minnesota Statutes, Chapter 116.

AGGREGATED PROJECTS - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual Wind Energy Conversion System (WECS) within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project (Minnesota County Model Wind Ordinance)

AGRICULTURAL BEST MANAGEMENT PRACTICES (BMP) - An agricultural BMP is broadly defined as an economically sound practice that is capable of minimizing nutrient contamination of surface and ground waters. Specific BMP practices are described in Minnesota Extension Service Bulletins AG-FO-6125, AG-FO-6127 and AG-FO3553.

AGRICULTURAL LAND – As of June 1, 2022, land that has been, or is immediately adjacent to and under common ownership of land, tilled and utilized for farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry or similar purposes for the majority of the past ten (10) years. Land that is entered in a state or federal program where there is reimbursement for maintaining the land out of production shall be considered agricultural land for the purposes of enforcing these regulations.

AGRICULTURE - The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the agricultural product provided, however, that the operation of any such accessory uses shall be secondary to that of primary agricultural activities.

AGRICULTURE, VALUE ADDED - An agriculture product in which value is added to an agriculture crop, poultry, or livestock grown on a site owned or operated by the applicant by the process of changing, combining or transforming its original state to a more valuable state.

ALARM DEVICE - A device that alerts a system operator or system owner of a component's status using a visual and/or audible device. An alarm device can be either on site or remotely located.

ANIMAL CREMATORIUM - A place in which deceased animals are cremated through the use of properly installed and certified apparatus.

ANIMAL, DOMESTIC PETS - Dogs, cats, birds and similar animals kept in a residence. Animals considered wild, exotic, or non domestic, such as lions, bears, wolves, and similar animals, shall not be considered domestic pets.

ANIMAL FEEDLOT - A lot or structure or combination of lots and structures intended for the feeding, breeding, raising, or holding of animals and specifically designed as a structure or area in which animals may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

ANIMAL FEEDLOT, CERTIFICATE OF COMPLIANCE - A letter from the Agency or the County Feedlot Officer to the owner of an animal feedlot stating that the feedlot meets the Agency standards, and that the livestock operation does not create or maintain a potential pollution hazard, or if a potential pollution hazard existed, it has been corrected to meet the Agency requirements.

ANIMAL FEEDLOT, CHANGE IN OPERATION - An increase beyond the permitted maximum number of animal units, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

ANIMAL FEEDLOT, EXISTING - An animal feedlot that has been utilized for livestock production within the past five (5) years.

ANIMAL FEEDLOT, EXPANSION OF AN EXISTING - Increasing production capacity by addition of structures used to contain animals.

ANIMAL FEEDLOT, MANURE STORAGE AREA OR FACILITY - An area or facility associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these regulations.

ANIMAL FEEDLOT, MODIFICATION OF AN EXISTING - Conversion or remodeling of an existing structure used for livestock production. The conversion or remodeling will not result in increased production capacity.

ANIMAL FEEDLOT, NEW - An animal feedlot constructed and operated at a site where an animal feedlot did not previously exist or where a preexisting animal feedlot has been discontinued or unused for live-stock production for five (5) years or more.

ANIMAL FEEDLOT, OFFICER - An individual, appointed by the County Board of Commissioners to receive, review and process animal feedlot permit applications.

ANIMAL FEEDLOT, OPERATOR/OWNER - An individual, corporation, group of individuals, partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

ANIMAL FEEDLOT PERMIT, INTERIM - A permit issued by the county and, when required, the Agency which expires no later than ten (10) months from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.

ANIMAL FEEDLOT PERMIT, STATE - A State Animal Feedlot Permit is issued when an identified potential pollution hazard cannot be corrected within a ten (10) month period because the solution is not technically or economically feasible, or the manure is not used as a domestic fertilizer.

ANIMAL FEEDLOT, POTENTIAL POLLUTION HAZARD - A condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:

1. An animal feedlot or manure storage area whose boundaries are located within shoreland or floodplain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within one hundred (100) feet of a water well; or
2. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or groundwater of the state in excess of applicable standards, including, but not limited to, MN Rules Chapters 7050 and 7055, during a rainstorm event of less magnitude than the twenty five (25) year, (4.9 inches), twenty four (24) hour event, or will violate any applicable state rules.

ANIMAL FEEDLOT, SUITABLE AREA - The area remaining on a lot or parcel of land that is capable of sustaining animal units after land defined as bluffs, steep slopes, wetlands, and land below the ordinary high water level are subtracted.

ANIMAL HOSPITAL AND VETERINARY CLINIC - A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and where animals may be boarded for their treatment.

ANIMAL MANURE - Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, or other materials.

ANIMAL SHELTER - A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned by a private citizen, public body, humane society or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

ANIMAL UNIT - A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer.

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

ANTIQUÉ STORE - A place offering antiques for sale. An antique, for purposes of this Ordinance, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least thirty (30) years old.

APPLICANT - A person, property owner, or entity that submits an application for a permit, development approval, or land use action which includes but not limited to a variance, conditional use permit, rezoning, ordinance amendment, or plat.

APPLICATION DEADLINE - The date, as established by the Department, by which an applicant must submit an application for consideration by the Planning Commission or the Board of Adjustment.

AS-BUILTS - A construction drawing prepared after completion of a project which depicts the site as it has been actually constructed. An As-Built may include structures, parking and topographic elevations. See also Record Drawings.

AT-GRADE SYSTEM - A pressurized soil treatment and dispersal system where sewage tank effluent is dosed to an absorption bed that is constructed directly on original soil at the ground surface and covered by loamy soil materials.

AUTOMOBILE WRECKING - See Junk/Salvage Yards.

AVERAGE DAILY TRIP - The average number of vehicles using a traveled way for a 24-hour period determined by dividing the total number of vehicles for a stated period by the number of days in that time period. In calculating vehicle trips, trucks with trailers shall be adjusted to a passenger car equivalent.

BAFFLE - A device installed in a septic tank to retain solids and includes, but is not limited to, vented sanitary tees with submerged pipes and effluent screens.

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

BEACH SAND BLANKET - An amount of sand allowable by County and State regulations that is placed on a lakeshore to make a beach area.

BEDROOM - An area that is:

1. A room designed or used for sleeping; or
2. A room or area of a dwelling that has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.

BED AND BREAKFAST INN - An owner-occupied dwelling unit where short-term lodging rooms with or without meals, are provided for compensation.

BEST MANAGEMENT PRACTICE (BMP) - A practice or combination of practices for preventing or reducing the impacts of development, particular land uses, or other activities on the environment, as described in current Minnesota Pollution Control Agency's manual, State Statute, and other sources as approved by the County.

BLOCK - An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

BLUFF - A topographic feature such as a hill, cliff, or embankment in which the slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff and the grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater. The percent of the slope is defined as the change in elevation (rise) over a distance (run).

BLUFF, TOE - The toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen (18) percent slope.

BLUFF, TOP - The top of the bluff shall be determined to the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent.

BLUFF IMPACT ZONE - Land located within twenty (20) feet from the top or toe of a bluff.

BOARD OF COUNTY COMMISSIONERS - Le Sueur County Board of Commissioners.

BOAT HOUSE - A structure for storage of boat or lake sporting and recreational equipment.

BRUSH - A woody plant that is smaller than six (6) inches in diameter measured at four and one-half (4.5) feet above ground level.

BUFFER - A continuous strip of land intended to create a physical separation between potentially incompatible uses of land.

BUILDING - See Structure

BUILDABLE LOT AREA - The portion of a lot or parcel remaining after the deletion of floodplain, wetlands, bluffs and/or below ordinary high water level.

CABIN - A structure used seasonally or intermittently as a single-family dwelling.

CALCAREOUS FENS - A rare type of wetland as identified by the commissioner by written order published in the State Register, are regulated under the Wetland Conservation Act (WCA) but the responsibility for their regulation is assigned to the DNR and which may not be filled, drained, or otherwise degraded, wholly or partially, by any activity, unless the Commissioner, under an approved management plan, decides some alteration is necessary, as defined in MN Statutes, §103G.223.

CAMPER - See Travel Trailer.

CAMPGROUND - An area of property, whether privately or publicly owned, used on a daily, nightly, or longer basis for the placement of three or more camping units for the purpose of people occupying the unit on an overnight basis, where proper sanitation facilities and spacing of camp units are provided and maintained.

CAMPING UNIT(S) - Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

CANDELAS PER SQUARE METER (cd/m²) - The standard unit of luminance (*also called NITS*). 1 CDM is equal to 1 NIT.

CARTAGE AND EXPRESS FACILITIES - A facility which receives packages and materials from another customer and transports those packages and materials to another location.

CERTIFIED STATEMENT - A statement signed by a certified individual, apprentice, or qualified employee under MN Rules Chapter 7083 certifying that the licensed business or qualified employee completed work in accordance with applicable requirements.

CESSPOOL - An underground pit, receptacle, or seepage tank that receives sewage directly from a building sewer and leaches sewage into the surrounding soil, bedrock, or other soil materials. Cesspools include sewage tanks that were designed to be watertight, but subsequently leak below the designed operating depth.

CHURCH - A structure that is used for the assembling of people for religious purposes.

CLASS V INJECTION WELL - A shallow well used to place a variety of fluids directly below the land surface. This includes SSTs that are designed to receive sewage or nonsewage from a two-family dwelling or greater or receive sewage or nonsewage from another establishment that serves more than 20 persons per day. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

CLUSTER DEVELOPMENT - A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

CLUSTER SYSTEM - A wastewater collection and treatment system under some form of common ownership that collects wastewater from three (3) or more dwelling units and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or structures.

COMMERCIAL BUSINESS - The selling or vending of any good or service including but not limited to food, beverages, souvenirs, craft items, repair or rental services, or any other salable item or service.

COMMERCIAL GRAIN ELEVATOR - A facility with a group of structures and grain storage facilities that purchases grain from agricultural producers. The facility stores and at times may process grain on site before transporting grain off site.

COMMERCIAL GRAIN STORAGE - A facility with a group of structures and grain storage facility that is used by agricultural cooperative or agribusiness.

COMMERCIAL RECREATIONAL AREA, INDOOR - Recreational uses conducted indoors, including; but not limited to, archery, miniature golf, firing ranges, paintball, laser tag, motorized cart tracks, water parks, and similar uses.

COMMERCIAL RECREATIONAL AREA, OUTDOOR - Recreational uses conducted outdoors, including; golf driving ranges (not associated with a golf course), archery, miniature golf, firing ranges, paintball, laser tag, motorized cart tracks, water parks, amusement parks, and similar uses.

COMMERCIAL USE - The principal use of land or structures for the sale, lease, rental, or trade of products, goods, and services.

COMMISSIONER - Minnesota Commissioner of Natural Resources.

COMMUNITY CENTER - A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMMUNITY WATER AND SEWER SYSTEMS - Utilities systems serving a group of structures, lots, or an area of the County with the design and construction of such utility systems as approved by the County Engineer and the State of Minnesota.

COMPLIANCE INSPECTION - An evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.

COMPREHENSIVE LAND USE PLAN - The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in ordinances and maps which constitute the guide for the future development of the County or any portion of the County.

CONDITIONAL USE - A land use or development as defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in this Ordinance exist, the use or development conforms to the comprehensive land use plan of Le Sueur County, and the use is compatible with the surrounding area.

CORNER LOT - A lot situated at the junction of and fronting on two (2) or more roads or highways.

CORRECTIVE ACTION - Any action required by the Department to ensure compliance or conformance with this Ordinance and State regulations.

CORRECTIVE OR PROTECTIVE MEASURE - A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with Agency rules.

COUNTRY CLUB - A golfing club equipped with a golf course and a club house.

COUNTY - Le Sueur County, Minnesota.

DEADLINE DATE - The date as established by the Department in reference to an application for the Planning Commission or the Board of Adjustment.

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 which exceeds thirty-two (32) square feet.

DEPARTMENT - The Le Sueur County Environmental Services Department.

DEPTH OF LOT - The mean horizontal distance between the mean front street and the mean rear property 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 structure line and the rear property line.

DESIGN FLOW - The daily volume of wastewater for which an onsite/cluster system is designed to treat and discharge.

DEVELOPMENT - Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a shore, beach, seacoast, river, stream, lake, pond, canal, marsh, dune area, woodlands, wetland, endangered species habitat, aquifer or other resource area, including coastal construction or other activity.

DIRECT LINE OF FIRE - For the purposes of Outdoor Firing Ranges this is the straight horizontal line from the muzzle of a weapon in the direction of the axis of the bore, just prior to firing.

DISTRICT - A section of the County for which the regulations governing the height, area, use of structures and premises are the same.

DNR, SCENIC TRAIL - That strip of land one hundred (100) feet wide which was formerly the Chicago and North Western railroad that extends from the Rice County line on the east (Waterville Township) to the Blue Earth County line on the west (Elysian Township).

DOMESTIC FERTILIZER - For the purposes of this Ordinance domestic fertilizer means animal manure that is put on or into the soil to improve the quality or quantity of plant growth; or animal manure that is used as compost, soil conditioners, or specialized plant beds.

DOMESTICATED FOWL - Any domesticated bird, including, but not limited to, chickens, turkeys, waterfowl, ratites, and game birds.

DUPLEX, TRIPLEX, AND QUAD - A dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

DWELLING UNIT - Any structure or part thereof which is designed or used exclusively for residential purposes by one or more human beings, either permanently or transiently; short or long term living quarters for one or more persons, including rental or time-share accommodations such as motel, hotel, cabins, and resort rooms are considered dwelling units. A recreational vehicle, travel trailer, or tent shall not be considered a dwelling for the purposes of this Ordinance.

DWELLING, MULTIPLE - A dwelling designed for or occupied by two (2) or more families.

DWELLING, SINGLE FAMILY DETACHED - A dwelling structure designed for or occupied exclusively by one (1) family, not attached to another dwelling, meeting all of the following standards:

1. A permanent masonry or concrete continuous perimeter foundation extending below frost level.
2. A minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. Open space on the same lot to surround dwelling.

DWELLING SITE - A designated location for residential use.

DWELLING SITE, PERMITTED - A site that was permitted by the Department for a single-family dwelling.

DWELLING, TEMPORARY - Temporary dwellings are defined as manufactured homes that are less than twenty (20) feet wide, excluding decks or entry vestibules, and not on a permanent foundation. All manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date a Federal seal in accordance with HUD CFR 3280 Construction Standards.

EASEMENT - A grant by a landowner for the use of a parcel of land for the purpose of construction and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

EFFLUENT SCREEN - A device installed on the outlet piping of a septic tank for the purpose of retaining solids of a specific size.

EQUAL DEGREE OF ENCROACHMENT - 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 - Any process that removes soil away from the surface of the land by the action of water, wind, or gravity (MN State Statute 103F.401 Subd. 5). Excessive erosion occurs when either or both of the following conditions exist:

1. Estimated average annual rate of soil erosion for a particular parcel of land resulting from sheet, rill, or wind erosion is greater than the soil loss tolerance for any of the soil series comprising that particular parcel of land.
2. Evidence of active gully erosion.

ESSENTIAL SERVICES - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures; or collection, communication, supply or disposal systems and structures, used by public utilities or governmental departments or commissions; or as are required for protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including structures.

EXCAVATING - To make hollow by removing the inner part and/or make a hole or cavity by digging.

EXISTING BUILDING SITE - A permitted dwelling site or an area that has an existing access to a public road right of way and at least one of the following is presently on the premises: a windbreak, water well, accessory structures or a dwelling. In addition, the area must be non-cultivated and have existed prior to June 18, 1996.

EXISTING SYSTEM – Subsurface Sewage Treatment Systems that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.

EXTRACTION PIT - Any artificial excavation of the 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, of sod, soil, sand, gravel, stone or other natural matter; or made by turning, or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon in conjunction with or immediately following such excavation shall be exempted, if a permit has been issued for such construction for installation.

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 to 93.51 and as amended from time to time.

FAILURE TO PROTECT GROUNDWATER - A SSTS that does not protect groundwater such as a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance described in Minn. R. 7080.1500, subps. 4(D) and 4(E); and a system not abandoned in accordance with Minn. R. 7080.2500. The determination of the threat to groundwater for other conditions must be made by a qualified employee or a licensed inspection business.

FARM - A tract of land, which is principally used for agricultural production of cash crop, livestock, or poultry farming. Such farm may include accessory structures and structures necessary to the operation of the farm.

FARM, HOBBY - An area used as a limited farm operation where the income from the farm is incidental to the residential use of the property.

FARMING - The cultivation of the soil and all activities incidental thereto; agriculture.

FARMLAND - Any land used in conjunction with a farming operation.

FARMSTEAD - Property on which structures and a farm dwelling are located for management, storage, livestock, etc. for a farm operation.

FILLING - An act of depositing any clean earthen material.

FILTER STRIP - A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintained as a means to slow the velocity of stormwater drainage and to filter sediment and pollutants from stormwater.

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

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

FLOOD FRINGE - That portion of the flood plain outside the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Le Sueur County.

FLOOD PLAIN - The beds proper and the areas adjoining a wetland, lake or watercourse which have 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 bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry or store the regional flood discharge.

FLOOR AREA - The sum of the gross horizontal areas of the several floors of a structure measured from the exterior walls, including basements and attached accessory structures.

FLORIST STORE - A retail business within an enclosed structure whose principal activity is the selling of cut flowers and plants which are not grown on the site.

FLOW MEASUREMENT - Any method to accurately measure water or sewage flow, including, but not limited to, water meters, event counters, running time clocks, or electronically controlled dosing.

FOOTCANDLE - A unit of measurement that calculates lighting illumination levels.

FOREST LAND CONVERSION - Clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FOREST MANAGEMENT - A process by which the proper care so that a forest stand remains healthy and vigorous.

FUR FARM - An area used for keeping and/or raising fur-bearing animals.

GARAGE, PRIVATE - A detached or attached accessory structure or carport which is used primarily for storing of private vehicles.

GARAGE, PUBLIC - Any premises, 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.

GRADE - An underlying surface such as earth or a walking surface.

GRADING - Changing the natural or existing topography of the land.

GRAYWATER - Sewage that does not contain toilet wastes.

GRAYWATER SYSTEM - A Subsurface Sewage Treatment System that receives, treats, and disperses only gray water or other similar system as designated by the Commissioner.

GREENHOUSE/NURSERY - A retail business for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted inside or outside an enclosed structure.

GOLF COURSE - A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

GOLF COURSE, MINATURE - A theme-oriented recreational facility, typically comprised of nine (9) or eighteen (18) putting greens, each with a “cup” or “hole,” where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

GRID - An inter-connected network for delivering electricity from producers to consumers.

GROUNDWATER - Water contained below the surface of the earth in a saturated zone.

GUEST COTTAGE - A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

HIGHWAY - Any public thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular, right-of-way with a Le Sueur County numerical route designation.

HISTORIC SITE - A location set aside for no other purpose than to commemorate a historical event, activity, or person having local, regional, statewide, or national historic significance.

HOLDING TANK - A tank for storage of sewage until it can be transported to a point of treatment and dispersal. Holding tanks are considered a septic system tank under Minnesota Statutes, Section 115.55.

HOME OCCUPATION - Any owner-occupied dwelling which includes an occupation of a service character clearly secondary to the main use of the premises as a dwelling place but does not change the character thereof or have any exterior evidence. There are two (2) levels; Level I and Level II.

INDUSTRIAL USE - The principal use of land or structures for the assembling, fabrication, finishing, manufacturing, packaging, processing, or warehousing of goods.

IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY - A SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; sewage tanks with unsecured, damaged, or weak maintenance access covers; or any other situation with the potential to immediately and adversely affect or threaten public health or safety. The determination of protectiveness for other conditions must be made by a qualified employee or a licensed inspection business.

IMPERVIOUS SURFACE - A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include but are not limited to, rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.

INCORPORATION - The mixing of manure or septage with the topsoil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, injection or other mechanical means.

INSLOPE - The area from the bottom of ditch to the adjacent roadway elevation.

INSPECTOR - An individual qualified to review proposed plans and inspect subsurface sewage treatment systems and who has been issued a license from the Agency.

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

JUNK/SALVAGE YARD - A place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or second hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. Provided further, that the storage of ten (10) or more inoperable motor vehicles for a period in excess of three (3) months shall also be considered a salvage yard.

KENNEL - Any place where there are more than the permitted number of dogs or cats, in accordance with the applicable zoning district regulations for the subject property.

LAKE, NATURAL ENVIRONMENT (NE) - Lakes that usually have less than one hundred fifty (150) total acres, less than sixty (60) acres per mile of shoreline, and less than three (3) dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than fifteen (15) feet deep.

LAKE, RECREATIONAL DEVELOPMENT (RD) - Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

LAKE, REGULATED – Pertains to a lake listed in an ordinance or project, defined by the Minnesota Department of Natural Resources Public Waters Inventory identification numbers.

LANDOWNER - Any person who holds a fee interest, either individually or as a joint tenant or tenant in common, to any land lying within the County. Where the term "owner of land" or "land owner" is used, it includes each and all of the joint tenants and tenants in common with respect to such land.

LAND ALTERATIONS PERMIT (LAP) - A permit required, as approved by the Department, for projects involving grading, excavating or filling activities as described in each applicable zoning district and for projects creating impervious surface including but not limited to driveways, patios, decks, sidewalks, etc. as follows:

<u>Acreage</u>	<u>Impervious Surface Projects</u>
Lots less than one (1) acre	32 square feet or more
Lots one (1) acre to 1.99 acres	100 square feet or more

LAND DISTURBING ACTIVITIES - Any change of the land surface including, but not limited to, removing vegetation cover, excavating, filling, and grading.

LAND RESTORATION/RECLAMATION - The process of reestablishing acceptable topography (i.e. slopes, vegetative cover, soil stability).

LAND SPREADING - The placement of septage or human waste from septic or holding tanks on or into the soil surface.

LAND USE DEVELOPMENT APPLICATION - The term includes, but is not limited to applications for the following: construction permits, subsurface sewage treatment system permits, land alteration permits, or other types of zoning permits, conditional use permits, amendments to this ordinance, variances from the provisions of this Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Department unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents, and such other information as required by the Department.

LIQUOR STORE, OFF-SALE - A structure primarily used for the sale of alcoholic beverages.

LICENSED PROFESSIONAL ENGINEER - A person who is registered as a professional engineer in the State of Minnesota.

LIVESTOCK - Any domesticated animal that is kept for use or pleasure, raised for home use, for profit, or for food or other products. These domesticated animals include, but are not limited to, beef and dairy cattle, swine, horses, sheep, goats, domesticated fowl, bison (buffalo), farmed cervidae, or llamas.

LIVESTOCK WASTE LAGOON - A diked enclosure for disposal of livestock wastes by natural processes.

LOGGING - The cutting of timber on any public or private land of one (1) acre or more for the purpose of selling the timber for a profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or diseased trees.

LOT - A parcel of land designated by plat, metes, and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

LOT AREA - The lot area is the land area within the property lines.

LOT AREA PER FAMILY - The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

LOT DEPTH - The mean horizontal distance between the mean front road and the mean rear property line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

LOT, DOUBLE FRONTAGE - An interior lot having frontage on two (2) streets.

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

LOT OF RECORD - All lots which are a part of a subdivision legally recorded with the County Recorder, and all lots, parcels, tracts, and other legally described land to which the deed has been recorded prior to July 9, 2009, shall be considered Lots of Record. Lots of Record shall be legally developable for the purpose of single-family dwelling construction, provided all applicable standards and official controls of this Ordinance can be met at the time of development.

LOT WIDTH - The horizontal distance between the side lot lines measured at the building setback line. In addition, minimum lot widths at road right of ways and shorelands are required.

LOWEST FLOOR - The lowest floor of the lowest enclosed area, including basement.

MANAGEMENT PLAN - A plan that requires the periodic examination, adjustment, testing, and other operational requirements to meet system performance expectations, including a planned course of action in the event a system does not meet performance expectations.

MANUFACTURED HOME - A structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein to be used as a single-family dwelling; 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, as defined in Minnesota Statute 327.31, subd. 18, and complies with the standards established under this chapter.

MANUFACTURED HOME (IN FLOOD PLAIN DISTRICTS) - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

MANUFACTURED HOME, DEPENDENT - A manufactured home which does not have a self-contained sanitary system. One that is hooked to an outside sanitary system.

METES AND BOUNDS - A method of property description by means of their direction and distance from an easily identifiable point.

MINOR - A person under eighteen (18) years of age.

MINOR REPAIR - The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications, or concepts of the SSTS.

MODULAR HOME - A non-mobile housing unit that is basically fabricated at a central factory and transported to a dwelling site, to be used as a single-family dwelling.

MOTEL - A structure or group of structures used primarily for the temporary residence of motorists or travelers.

MOTOR HOME - See Recreational Vehicle.

MOUND SYSTEM - A soil treatment and dispersal system designed and installed such that all of the infiltrative surface is installed above grade, using clean sand between the bottom of the infiltrative surface and the original ground elevation, utilizing pressure distribution and capped with suitable soil material to stabilize the surface and encourage vegetative growth.

MPCA - Minnesota Pollution Control Agency. Referred to as "the Agency" throughout this Ordinance.

MUNICIPALITY - Any incorporated city or township within the boundaries of Le Sueur County, Minnesota.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) - A permit issued by the Agency for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.

NONCONFORMING LOT - Any lot that does not meet the zoning district regulations for minimum lot width, lot depth and/or lot size.

NONCONFORMING STRUCTURE - Any structure that does not meet zoning district regulations for structure size, structure height, lot coverage, or setback.

NONCONFORMING STRUCTURE, EXPANSION - Any expansion of a structure that does not meet zoning district regulations for building size, structure height, lot coverage, or setback.

NONCONFORMING USE - A use of land that does not comply with the use regulations of this Ordinance.

NONCONFORMING USE, EXPANSION - Intensifying a use of land that does not comply with the use regulations of this Ordinance.

NONCONFORMITY - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

NON-CONCENTRATING THERMAL COLLECTOR - The collector area (the area that intercepts the solar radiation) is the same as the absorber area (the area absorbing the radiation).

NON-WATER CARRIED SEWAGE SYSTEMS - A device for the disposal of human excreta in a structure designed to treat sewage utilizing methods that significantly reduce or eliminate the addition of water to the sewage. These systems include, but are not limited to, privies, chemical toilets, recirculating toilets, combustion toilets, composting toilets, oil flush toilets, and portable toilets.

NOTICE OF NONCOMPLIANCE - A document written and signed by a certified subsurface sewage treatment system inspector after a compliance inspection that gives notice that an subsurface sewage treatment system is not in compliance as specified under part MN Rules, Chapter 7080.1500.

OBSTRUCTION (WATERWAY) - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to damage life or property.

ORCHARD - A non-natural group of fruit trees that are grown planted, managed, and renewed by the land owner or farmer.

ORCHARD, COMMERCIAL - A group of fruit trees, grown and cultivated for revenue and fruit from the trees is processed on site.

ORDINARY HIGH WATER LEVEL, (OHWL) - The boundary of public waters and wetlands, that is 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 predominately aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool as defined in MN Statutes, §103G.005, subd 14, as amended from time to time.

ORGANIZED GROUP CAMP - Premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.

ORGANIZED MOTOR SPORTS - A commercial operation that involves ATV Trails, motorcycle tracks, trails or go cart tracks.

OTHER ESTABLISHMENT - Any public or private structure, including recreational vehicles, other than a dwelling that generates sewage that discharges to an SSTS.

OUTDOOR LIGHT FIXTURE - Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to: search, spot, and floodlights for structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs; street lighting; product display area lighting; structure overhangs and open canopies.

OUTPATIENT MENTAL HEALTH CLINIC – Any organization or agency operated by a municipality or corporation, other than a hospital, that provides licensed or certified outpatient mental health treatment services to human patients for the purpose of diagnosing or treating mental health or substance use condition that does not require the patient’s overnight care.

OUTPATIENT MENTAL HEALTH SERVICES – Include psychotherapy, psychotherapy groups, mental health rehabilitation, diagnostic assessment, psychological evaluation and testing, comprehensive substance use disorder assessment, individual substance use disorder counseling, group substance use disorder counseling, care coordination, and peer recovery support services provided in an outpatient clinic setting that does not provide overnight care to a patient.

PARK - A public or private area of land, with or without structures intended for outdoor active or passive recreational uses.

PASTURES - Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.

PERIODICALLY SATURATED SOIL - The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators as specified in part MN Rules, chapter 7080.1720, subpart 5, items E and F, or determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.

PERMIT, ZONING - A document issued by the Department to permit construction or the establishment of certain uses of land, including but not limited to: all structures, structure additions, towers, and subsurface sewage treatment systems.

PERMITTEE - Any person who obtains a permit from the County pursuant to this Ordinance. A person is a permittee only for the term of the permit.

PERSONS - Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee or other similar representative thereof.

PLANNED UNIT DEVELOPMENT - A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

PLANNED UNIT DEVELOPMENT, COMMERCIAL - Typically uses that provide transient, short-term lodging spaces, rooms or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle, camping parks, and other primarily service-oriented activities are commercial planned unit developments.

PLANNED UNIT DEVELOPMENT, RESIDENTIAL - A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential planned unit developments.

PLAT, FINAL - A drawing or map of a subdivision, meeting all the requirements of the County and in such form as required by the County for purposes of recording.

PLAT, PRELIMINARY - A tentative drawing or map of a proposed subdivision, meeting requirements herein enumerated.

PLATTED BUSINESS SUBDIVISION - The creation of two (2) or more lots in a General Business Zoning District under the provisions of the County Subdivision Ordinance.

PLATTED INDUSTRIAL SUBDIVISION - The creation of two (2) or more lots in a General Industry Zoning District under the provisions of the County Subdivision Ordinance.

PLATTED RESIDENTIAL SUBDIVISION - The creation of two (2) or more lots in a Residential District under the provisions of the County Subdivision Ordinance.

PLATTED SUBDIVISION - The creation of two (2) or more lots under the provisions of the County Subdivision Ordinance.

PLOT - A tract, other than one unit, of a recorded plat or subdivision and occupied and used or intended to be occupied and used as an individual site and improved or intended to be improved by the erection thereon of buildings, and having a frontage on a public road or highway upon a traveled or used road and including as a minimum such open spaces as required under this section.

POOL, PERMANENT - pools constructed in the ground; in a structure, or surrounded by a permanent structure in such a manner that the pool cannot be readily disassembled; and contains more than three thousand (3,000) gallons and with a depth of water over three and one-half (3 1/2) feet.

PREMISES - A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed.

PRESSURE DISTRIBUTION - A network of distribution pipes in which effluent is forced through orifices under pressure.

PRINCIPAL USE OR STRUCTURE - All uses or structures that are not accessory uses or structures.

PUBLIC NUISANCES - Any condition which is generally objectionable to people in the direct area and as regulated in this Ordinance.

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

PUBLIC WATERS - Any waters that have been determined to be public waters or navigable waters as defined in MN Statutes, §103G.005, subd 15.

PUBLIC WATERS WETLANDS - All types of 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), as well as public waters that are ten (10) or more acres in size in unincorporated areas and two point five (2.5) or more acres in incorporated areas, as defined in MN Statutes, §103G.005, subd 15a.

PUMP TANK - A sewage tank or separate compartment within a sewage tank, which receives sewage tank effluent, that serves as a reservoir for a pump. A separate tank used as a pump tank is considered a septic system tank under Minnesota Statutes, Section 115.55, Subdivision 1, paragraph (p).

RAIN GARDENS - A shallow depression filled with flood-tolerant shrubs, flowers and grasses used to collect and filter stormwater runoff.

RAIN GARDENS, LARGE CAPACITY - A rain garden as defined by this Ordinance that is larger than one hundred (100) square feet.

RAIN GARDENS, SMALL CAPACITY - A rain garden as defined by this Ordinance that is one hundred (100) square feet or less.

REACH - A hydraulic engineering term to describe longitudinal segments 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.

RECLAMATION - Activity which is taken during and after a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

RECORD DRAWING - Drawings and documentation specifying the final in-place location, actual setbacks, size, and type of all septic system components. These records identify the results of materials testing and describe conditions during construction and shall contain a certified statement. See also As-Builts.

RECREATIONAL AREA - Any public park, playground, trail, athletic field, picnic ground, swimming beach, or fairground.

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

REDOXIMORPHIC FEATURES –

1. A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color; or
2. A soil matrix color controlled by the presence of ferrous iron.

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 the magnitude of the one hundred (100) year recurrence interval. Regional flood is synonymous with the term "Base Flood" used in the Flood Insurance Study.

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.

RESTAURANTS - A structure with its primary activity being the preparation and sale of food and beverages.

RESORT - A structure or group of structures containing guest rooms, with a large portion of the site devoted to recreational activities.

RETAIL SALES AND SERVICES - Establishments that are retail operations and that carry an assortment of merchandise from varied categories. Such establishments may include, but are not limited to, department stores, discount stores, farm stores, and similar establishments.

RIDING ACADEMY - An establishment where horses are boarded and cared for and such facilities may include instructional riding courses.

RIPARIAN - Land contiguous to the bank of a stream, the shore of a lake, or the edge of a wetland.

RIPRAP - Coarse stones randomly and loosely placed along an unstable shoreline of a lake to help prevent and reduce erosion and runoff.

RIVER, AGRICULTURAL - Rivers located in intensively cultivated areas of the County. For purposes of this Ordinance the Minnesota River and Cannon River are considered as Agricultural Rivers.

RIVER, TRANSITIONAL - Rivers located in a mixture of cultivated, pasture, and forested lands.

ROAD - A public or private 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, land, place or however otherwise designated.

ROAD AUTHORITY - The Commissioner, as to trunk highways; the County Board, as to county state-aid highways and county highways; and the town board, as to town roads.

ROAD RIGHT-OF-WAY - Any United States, county, municipal, or township highway, or road including any shoulder and drainage alongside the road.

RUNOFF - The portion of precipitation on an area that does not soak into the soil or becomes trapped in depressions and is discharged from the area on the land surface either in sheet or channelized flow.

SALVAGE VEHICLE - Any unlicensed and/or inoperable, self-propelled, motorized vehicle or equipment/parts.

SEASONAL HIGH WATER TABLE - The highest elevation in the soil where all voids are filled with water, as evidenced by presence of water or soil mottling or other information.

SEASONAL PRODUCE STAND - A temporary stand, structure or place that is used for the seasonal selling of agricultural produce.

SECTION - An area approximately one (1) mile square containing more or less six hundred and forty (640) acres.

SEEPAGE BED - A soil treatment and dispersal subsurface sewage treatment system, the absorption width of which is greater than three (3) feet but no greater than twenty five (25) feet.

SELF-SERVICE STORAGE FACILITY - A commercial structure or group of structures that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customers' items.

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

SENSITIVE AREA - Areas which due to steep slopes, bluffs, flooding, erosion, limiting soil conditions (shallow soils over groundwater or bedrock, highly erosive or expansive soils), occurrence of vegetation or wildlife in need of special protection, the presence of wetlands or other physical constraints are sensitive to development.

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.

SEPTAGE - Those solids and liquids removed during periodic maintenance of a subsurface sewage treatment system or those solids or liquids which are removed from toilet waste treatment devices or a holding tank.

SEPTIC TANK - Any watertight, covered receptacle that is designed and constructed to receive the discharge of sewage from a building sewer or preceding tank, stores liquids for a detention period that provides separation of solids from liquid and digestion of organic matter, and allows the effluent to discharge to a succeeding tank, treatment device, or soil dispersal system.

SETBACK - Minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, top of a bluff, road, highway, lot line, or other facility.

SEWAGE - Waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, and includes household cleaners, medications, and other constituents in sewage restricted to amounts normally used for domestic purposes

SEWAGE TANK - A receptacle used in the containment or treatment of sewage and includes, but is not limited to, septic tanks, aerobic tanks, pump tanks, and holding tanks. Requirements for sewage tanks are described in parts MN Rules, Chapter 7080.1900 to 7080.2030. Sewage tanks are considered a septic system tank in Minnesota Statutes, Section 115.55, Subdivision 1, Paragraph (p).

SHORE IMPACT ZONE - Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the structure setback.

SHORELAND - The 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.
2. Three hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by this Ordinance on such a river or stream, whichever is greater.
3. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

SHORT-TERM PRIVATE LODGING RENTAL – Non-traditional lodging for over-night stays on a daily or weekly basis of thirty (30) days or less for short-term rental of a private single-family dwelling, cabin, or condominium with basic living accommodations including sleeping space, toilet, and cooking space. This does not include Bed & Breakfast, Resorts, Campgrounds, or Hotel/Motel. Attached garage, and accessory structures (including, but not limited to, boat house, detached garage, shed, barn) are not acceptable dwelling units.

SIGN - A name, identification, description, display, illustration or device which is affixed to or represented directly or upon a structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

SIGN, ADDRESS - A sign for single-family dwellings or multi dwelling units identifying the occupant or street address. Such signs shall be at a maximum of three (3) square feet.

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

SIGN, DIRECTIONAL BUSINESS - Twelve (12) square feet or less with directional arrows or information of a business or other use for the purpose of guiding vehicular and pedestrian traffic.

SIGN, ELECTRONIC GRAPHIC DISPLAY/DYNAMIC - A sign or portion of a sign that displays electronic text and/or images using different combinations of LED's, fiber optics or other illumination devices.

SIGN, ELECTRONIC MESSAGEBOARD - A sign or portion of a sign that displays electronic text using different combinations of LED's, fiber optics or other illumination devices.

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.

SIGN, GROUND/PYLON - A freestanding sign, including the structure needed to support such sign.

SIGN, HEIGHT - The sign shall be measured from ground grade elevation to the highest point of said sign.

SIGN, HOME OCCUPATION - A sign that denotes the name of a Home Occupation Business. LEVEL I Home Occupations: a maximum size of three (3) Square feet. LEVEL II Home Occupations: a maximum size of sixteen (16) square feet.

SIGN, ILLUMINATED - Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign.

SIGN, NONCONFORMING - A sign which lawfully existed at the time of the adoption of this Ordinance and does not conform to the requirements thereof.

SIGN, OFF PREMISES/BILLBOARD - A sign advertising a business, commodity, service, or entertainment conducted, sold, or offered elsewhere other than upon the property where the sign is maintained.

SIGN, ROTATING - A sign which revolves or rotates on its axis by mechanical means.

SIGN, SURFACE 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 the limits of such sign and not forming an integral part of the display. Only one side of a double-face V-type sign structure shall be used in computing total surface area.

SIGN, WALL - A sign affixed to the exterior wall of a structure.

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

SOIL BIOENGINEERING PRACTICES - The use of engineering design principles with biological and ecological concepts to construct and assure the survival of living plant communities that will naturally control erosion, sediment, and flooding. Horticultural principles are applied to establish the plant communities. Engineering design principles are applied to build structures that will help protect the communities as they grow to maturity and function as they would in their natural settings.

SOIL DISPERSAL AREA - The area required for the subsurface sewage treatment system, including spacing between individual units or zones.

SOLAR ARRAY - Any number of solar photovoltaic modules or panels connected to provide a single electrical output.

SOLAR CELL - The basic unit of a photovoltaic solar panel.

SOLAR ENERGY SYSTEM (SES) - A set of devices whose primary purpose is to collect solar energy and convert and/or store it for useful purposes including heating and cooling structures or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy through the use of photovoltaic and non-concentrating thermal collector, excluding reflecting SES.

SOLAR ENERGY SYSTEM, GROUND-MOUNT - A solar energy system mounted on a rack or pole that sits on the ground, has its own foundation, and is not attached to a structure.

SOLAR ENERGY SYSTEM, LARGE - A solar array, or system, with a power capacity of 100 kilowatts or greater.

SOLAR ENERGY SYSTEM, OFF-GRID - A stand-alone power system not connected to the grid.

SOLAR ENERGY SYSTEM, PHOTOVOLTAIC - A system of components that generates electricity from incident sunlight by means of photovoltaic effect, whether or not the device is able to store the energy produced for later use.

SOLAR ENERGY SYSTEM, REFLECTING - A solar energy system that includes a device to reflect light onto the collector surface for the purpose of increasing the energy production of the system.

SOLAR ENERGY SYSTEM, ROOF-TOP OR WALL - A solar energy system mounted on the roof or wall of a structure and is accessory to the principal land use.

SOLAR ENERGY SYSTEM, SMALL - A solar array, or system, with a power capacity of less than 100 kilowatts.

SOLAR MODULE - A number of individual solar cells connected together in an environmentally protected housing, producing a standard output voltage and power. Multiple modules/panels can be assembled into an array for increased power and/or voltage.

SPECIAL EVENT - The use of privately owned land, structures for a gathering at any location, for any purpose that will result in attendance of more than three hundred (300) people. Private gatherings are exempt.

1. Special Events include, but are not limited to: Carnivals, Circuses, Concerts, Fund-raisers, Flea markets, Craft fairs, or markets.
 - a. Farmers markets or stands for sale of seasonal products when sold other than on the site where the product is grown.
2. Special Events do not include gatherings at any regularly established place of assembly or other similar permanently established place of assembly provided that such place is being used for its established and normal use allowed by this Ordinance and the applicant/landowner meets all applicable County, State and Federal regulations, shall include but not limited to:
 - a. Permanent place of worship, stadiums, athletic fields, auditoriums, picnic or camping areas, sale or auction of agricultural lands or personal property, polling places for special or general elections,

STABLE - A structure that is used to house horses, ponies, mules or donkeys in individual stalls or compartments.

STATE - the State of Minnesota.

STEEP SLOPE - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this section. Where specific information is not available, steep slopes are lands having average slopes between twelve (12) and eighteen (18) percent, as measured over horizontal distances of fifty (50) feet or more.

STORY - That portion of a structure included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling above it.

STORY, HALF - That portion of a structure under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

STREAM, INTERMITTENT - A stream that only flows during wet periods and only flows in a well-defined channel.

STREAM, PERENNIAL - A stream or river (channel) that has continuous flow in parts of its bed all year round during years of normal rainfall.

STREAM, TRIBUTARY - Other streams in the Protected (Public) Waters Inventory that do not have a specific classification.

STRUCTURAL ALTERATIONS - Any change in the supporting members of a structure such as bearing walls, columns, beams, or girders.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, structures, structure additions, pools, basements, water wells, factories, sheds, decks or similar elevated platforms, detached garages, cabins, manufactured homes. Retaining walls and fences shall be exempt from this definition.

STRUCTURE, ACCESSORY - A structure on the same lot with, and of a nature customarily incidental and subordinate to the principal structure. An accessory structure shall not contain living space.

STRUCTURE, AGRICULTURAL - An uninhabited structure on agricultural land intended exclusively for the storage of farm animals, implements, supplies, or products that contains no residential use and is not open to the public. This includes, but is not limited to barns, grain elevators, grain bins, and other similar structures, but not commercial greenhouses or structures used for agricultural processing activities.

STRUCTURE, COMMERCIAL - An uninhabited structure intended primarily or exclusively for the selling or vending of any good or service including, but not limited to food, beverages, souvenirs, craft items, repair or rental services, any other salable item or service, other similar structures.

STRUCTURE, INDUSTRIAL - An uninhabited structure intended primarily or exclusively for the assembling, fabrication, finishing, manufacturing, packaging, processing, warehousing of goods, other similar structures.

STRUCTURE HEIGHT - The vertical distance between the lowest ground elevation at the structure and the highest point of a gable, pitched, mansard, flat, or hipped roof. Structure height shall not be measured on any side of a structure where the structure foundation is exposed more than four (4) feet.

STRUCTURE SETBACK LINE - A line within a lot or other parcel of land parallel to a public road or street or highway right-of-way or ordinary high water level, defining a portion of the lot between said setback line and said right-of-way in which structures may not be placed.

STRUCTURE, WATER-ORIENTED ACCESSORY - A small, above ground structure or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

SUBDIVISION - A tract of land which is to be or has been divided into two (2) or more lots or plots for the purpose of sale, rent, lease, or of building development.

SUBDIVISION ORDINANCE - A separate set of regulations covering Subdivisions of land.

SUBSTANDARD SHORELAND USE - Any legal use of shorelands existing prior to the date of enactment of this Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks or other dimensional standards of this Ordinance.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the estimated market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Within any consecutive three hundred and sixty five (365) day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the estimated market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damages,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1 as amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS) - Is either an individual subsurface sewage treatment system (ISTS) or a mid-sized subsurface sewage treatment system (MSTS) as defined in MN Rules, Chapters 7080 and 7081.

SUBSURFACE SEWAGE TREATMENT SYSTEM, CERTIFICATE OF COMPLIANCE

- A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TREATMENT LEVEL

- Means treatment system performance levels as defined in MN Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products.

SUBSURFACE SEWAGE TREATMENT SYSTEM, INDIVIDUAL

- As defined in MN Rules, Chapter 7080, subpart 41, as amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, MIDSIZED

- As defined in MN Rules, Chapter 7081, subpart 4, as amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE I SYSTEM

- A SSTS designed according to MN Rule 7080.2200 through MN Rule 7080.2240, as may be amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE II SYSTEM

- A SSTS designed according to MN Rule parts 7080.2250 to 7080.2290, as may be amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE III SYSTEM

- A SSTS designed according to MN Rule 7080.2300, as may be amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE IV SYSTEM

- A SSTS designed according to MN Rule 7080.2350, as may be amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE V SYSTEM

- A SSTS designed according to MN Rule 7080.2400, as may be amended from time to time.

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

TAVERN

- A place primarily used for the consumption of alcoholic beverages on site by the public.

TECHNICAL EVALUATION PANEL (TEP)

- The TEP consists of at least three technical professionals appointed by Le Sueur County, Board of Soil and Water Resources (BWSR), and the local Soil and Water Conservation District (SWCD). For projects impacting or adjacent to public waters or public waters wetlands, the TEP also includes a technical professional employee of the Department of Natural Resources (DNR).

TOWER - Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade (except amateur radio antennas).

TRANSFER OF PROPERTY - The act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

TRAVEL TRAILER - A trailer, mounted on wheels, that is designed to provide temporary living quarters during recreation, camping or travel, does not require a special highway movement permit based on its size or weight when towed by a motor vehicle, and does not exceed eight and one half (8.5) feet in width or forty (40) feet in length.

TREE - A woody plant that is at least six (6) inches or greater in diameter measured at four and one-half (4.5) feet above ground level.

TREE FARM - A parcel of land that is used to raise trees for the purpose of transporting them to be replanted off-site or for the purpose of harvesting them for wood products.

TRENCH - A soil treatment and dispersal system, the absorption width of which is 36 inches or less.

UNINCORPORATED AREA - The area outside a city.

USE - The purpose for which land or premises or a structure thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY - A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

VARIANCE - A modification of a specific development standard in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a practical difficulty as defined in Minnesota Statutes, Chapter 394.27.

VERTICAL SEPARATION - In an SSTS, the vertical measurement of unsaturated soil or sand between the bottom of the distribution medium and the periodically saturated soil level or bedrock.

WATER SUPPLY PURPOSE - Includes any uses of water for domestic, commercial, industrial, or agricultural purposes.

WATERCRAFT – Any contrivance used or designed for navigation on water, except: a waterfowl boat during the waterfowl-hunting season; a rice boat during the harvest season; or a seaplane.

WATERS OF THE STATE - Surface or underground waters, except surface waters that are not confined but are spread and diffused over the land. Waters of the state includes boundary and inland waters.

WETLAND - Lands 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 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 life in saturated soil conditions.
3. Under normal circumstances support a prevalence of such vegetation. Wetlands are further defined in the Wetland Conservation Act, Minnesota Statutes, § 103G.005, subd. 19.

WETLAND BOUNDARY - Area delineating wetland as determined using the methodologies in the United States Army Corps of Engineers Wetlands Delineation Manual (January 1987), including subsequent updates and supplements, and guidance provided by the board, per MN Rules 8420.

WETLAND TYPE - Refers to a classification system according to Wetlands of the United States, US Fish and Wildlife Service Circular 39 (1971 edition). As summarized in this subdivision and as defined in MN Statutes, §103G.005, subd. 17b as amended from time to time.

1. **Type 1 wetlands** are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.
2. **Type 2 wetlands** are inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants. Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border shallow marshes on the landward side.

3. **Type 3 wetlands** are inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six (6) inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.
4. **Type 4 wetlands** are inland deep fresh marshes in which soil is usually covered with six (6) inches to three (3) feet or more of water during the growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, waterlilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or they may border open water in such depressions.
5. **Type 5 wetlands** are inland open fresh water, shallow ponds, and reservoirs in which water is usually less than ten (10) feet deep and is fringed by a border of emergent vegetation similar to open areas of type 4 wetland.
6. **Type 6 wetlands** are shrub swamps in which soil is usually waterlogged during growing season and is often covered with as much as six (6) inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp-privet. This type occurs mostly along sluggish streams and occasionally on floodplains.
7. **Type 7 wetlands** are wooded swamps in which soil is waterlogged at least to within a few inches of the surface during growing season and is often covered with as much as one (1) foot of water. This type occurs mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds and smartweeds
8. **Type 8 wetlands** are bogs in which soil is usually waterlogged and supports a spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador-tea, cranberries, carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack may occur.

WIND ENERGY CONVERSION SYSTEMS (WECS) - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting kinetic energy of the wind into electrical energy. The energy may be used on-site or transferred off-site via transmission lines

1. **WECS, COMMERCIAL** - A WECS of equal or greater than forty (40) kW in total name plate generating capacity with not more than five (5) MW.

2. **WECS, NON-COMMERCIAL** - A WECS of less than forty (40) kW in total name plate generating capacity, not to exceed a maximum height of one hundred fifty (150) feet.
3. **WECS, TOTAL HEIGHT** - Overall height of a WEC measured as the height of the tip of a blade extended at apex of rotation above the local ground level.
4. **WECS, ROTOR DIAMETER** - The diameter of the circle described by the moving rotor blades.
5. **WECS, AGGREGATED PROJECTS** - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

WIRELESS TELECOMMUNICATION TOWERS - Include cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

YARD - Any space in the same lot with a structure, open and unobstructed from the ground to the sky.

YARD, FRONT - A yard extending along the full width of the front property line between side property lines and extending from the adjacent road right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

YARD, REAR - An open space unoccupied except for accessory structures on the same lot with the principal structure between the rear line of the principal structure and the rear property line and extending the full width of the lot.

YARD, SIDE - An open unoccupied space between the structure and the side line of the lot and extending from the front lot line to the rear lot line.