

ZONING ORDINANCE

SECTION 15 DEFINITIONS

For purpose of this Ordinance, certain words used herein are defined and shall be interpreted as follows:

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adult Oriented Business: Means a business that is engaged in any of the following activities or which utilizes any of the following business procedures or practices:

- a) A business that is conducted exclusively for the patronage of adults except any business licensed under Chapter 3 of the Code of Ordinances of the City of Chaska, and as to which minors are specifically excluded from patronage, either by operation of law or by the owners of such business;
- b) Any business that has at least 30% or 3,000 square feet, whichever is less, of its floor area (not including storerooms, stock areas, bathrooms, basements, attics, or any portion of the business not open to the public) or at least 30% of its merchandise on display to the public, devoted to items, merchandise or other materials that is distinguished or characterized by an emphasis on material depicting, exposing, describing, discussing, or relating to “specified sexual activities” or “specified anatomical areas” as defined in Chapter 4, Article V, of the Code of Ordinances of the City of Chaska; or
- c) Any other use or business as defined in Chapter 4, Article V, Section 102, Subdivisions 3 through 10 of the Code of Ordinances of the City of Chaska.

Agriculture: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following:

- a) Field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum and sunflowers;
- b) Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink;
- c) Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.

Alley: A public right-of-way which affords a secondary means of access to abutting property.

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Animal Unit: A unit of measure used to compare differences in the production of animal manure.

For animals not listed in Subsection 3.1.1.2(f) or for feedlots where animals will not be maintained to maturity, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds. Animals such as dogs, cats or other animal customarily kept as pets shall not be considered animal units for purposes of this Ordinance provided they are being kept as pets.

Apartment: A room or suite of rooms located in a one or two family structure or a multiple dwelling, which shall include a bath and kitchen accommodations, intended or designed for use as an independent residence by a single family or by individuals.

Automobile Repair - Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision services including body, frame or fender straightening or repairs; and overall painting of vehicles.

Automobile Repair - Minor: The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks not in excess of 12,000 pounds gross weight.

Automobile Service Station: Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries, and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles. When sales, services and repairs, as detailed here are offered to the public, the premises shall be classified as a public garage.

Auto Reduction Yard: A lot or yard where three (3) or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage, or abandonment.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation: The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

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

Billboard: An advertising sign located off the premises where the advertised product is sold or offered. It is usually, but not always, owned by an advertising company.

Block: A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or boundary lines of the corporate limits of the City.

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Board: The Zoning Board of Appeals.

Boarding House: A building other than a motel or hotel where for compensation and by prearrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed eight (8) persons.

Boathouse: A structure used solely for the storage of boats or boating equipment.

Buildable Area: The space remaining of a zoning lot after the minimum yard and open space requirements of this Ordinance have been met.

Building: A structure having a roof supported by columns or walls. When separated by party walls without openings, each portion of such building shall be deemed a separate building.

Building, Height of: The vertical distance measured from the curb level to the highest point of the roof surface of a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. For buildings set back from the street line, the heights of the building shall be measured from the average elevation of the finished grade along the front of the building, provided its setback from the street line is not less than the height of such finished grade above the established curb level.

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

Building, Non-conforming: A building so constructed or so located on a lot that it does not comply with the building requirements or with the minimum lot requirements of the district within which it is located.

Building, Principal: A non-accessory building in which the primary use of the lot on which it is located is conducted.

Caliper: The length of a straight line measure horizontally through the trunk of a tree 12 inches above the base.

Carport: An automobile shelter having one or more sides open.

Clear-cutting: The removal of an entire stand of trees.

Commerce, Retail Service: An enterprise that involves the offering of a service or entertainment to the general public for compensation.

Conditional Use: Means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- a) Certain conditions as detailed in the Zoning Ordinance exist, and

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- b) The structure and/or land use conform to the Comprehensive Land Use Plan if one exists and are compatible with the existing neighborhood.

Condominium: A form of individual ownership within a building which entails joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.

Coniferous/Evergreen Tree: A woody plant which, at maturity, is at least 30 feet or more in height, with a single trunk, fully branched to the ground, having foliage on the outermost portion of the branches year-around.

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

Critical Facilities: Facilities necessary to a community's public health and safety. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

Curb Level: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one (1) street, the curb level shall be the average of the levels of the curb at the center of the front of each street. Where no curb level has been established, the City Engineer shall establish such curb levels.

Deciduous Overstory Shade Tree: A woody plant which, at maturity, is 30 feet or more in height, with a single trunk, unbranched for several feet above the ground, having a defined crown, and which loses leaves annually.

Deciduous Understory Ornamental Tree: A woody plant which, at maturity, is eight (8) feet or more in height, with a single trunk unbranched two (2) feet or more above the ground, having a defined crown which loses leaves annually.

Deck: A horizontal, unenclosed platform with or without attached railing, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than two feet six inches (2'6") above ground.

Development: any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dog Kennel: A premises where three (3) or more dogs, over four (4) months of age, are owned, boarded, bred or offered for sale.

Drainage System: Any natural or artificial feature or structure used for the conveyance, drainage, or storage of surface and/or underground water, including, but not limited to, streams, rivers, creeks, ditches, channels, conduits, gulleys, ravines, washes, lakes or ponds and structures such as culverts, drainage tile, dams, bridges and water storage basins.

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Driveway: A private road or path for vehicle access to a public road, which is wholly located on the parcel which is afforded access.

Driveway, Principal: The approved, surfaced portion of a yard between the street or alley right-of-way line and the garage.

Dwelling: A building, or portion thereof, designed or used predominantly for residential occupancy including one family dwellings, two family dwellings, and multiple family dwellings, but not including hotels, motels, boarding or rooming houses, tourist homes or mobile homes.

Dwelling, Attached: One which is joined to another dwelling or building at one or more sides by a party wall or walls.

Dwelling, Detached: One which is entirely surrounded by open space on the same lot.

Dwelling, Multiple Family (Apartment Building): A building or portion thereof containing three (3) or more dwelling units but not including a hotel, motel, or rooming house.

Dwelling, One Family: A residential structure containing one dwelling unit only.

Dwelling, Two Family (Duplex, Double Bungalow): A residential structure containing two (2) dwelling units only.

Dwelling Unit (Housing Unit): One or more rooms containing complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family and for not more than an aggregate of two roomers or boarders.

Earth Sheltered Construction: A building constructed so that more than 50 percent of the exterior surface area of the building, excluding garages, or other accessory buildings, is covered with earth, and the building code standards promulgated pursuant to Section 16.85, Minnesota Statutes, are satisfied. Partially completed buildings shall not be considered earth sheltered.

Efficiency Unit: A dwelling unit with one primary room which doubles as a living room, dining room, and bedroom.

Essential Services: Underground or overhead gas, electrical, steam or water transmission, or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories not including buildings.

Equal Degree of Encroachment: A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

Equine: Horses, ponies, mules or burros.

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Family: One or more persons related by blood, marriage, or adoption or a group of not more than four (4) persons not so related, maintaining a common household in a dwelling unit.

Family Dwelling: A single family dwelling located on a farm which is used or intended for use by the farm's owner or a person employed thereon.

Farm: Real property used for commercial agriculture or horticulture comprising at least 40 contiguous acres and which may contain other contiguous or noncontiguous acreage, all of which is owned and operated by a single family, individual, partnership, or corporation.

Farm Building: Any building or accessory structure other than a farm or nonfarm dwelling which is used in a farming operation, including, but not limited to, a barn, granary, silo, farm implement storage building, or milk house.

Farm Fence: A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under Section 5 of the zoning ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under Section 5 of the zoning ordinance.

Feedlot: A confined area or structure used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate, but not including barns, pens, or other structures used in a dairy farm operation. For purposes of these regulations, pastures and feedlots accommodating fewer than ten (10) animal units shall not be considered animal feedlots.

Fence: Any partition, structure, wall, or gate erected as a divider, marker, barrier, or enclosure, and located along the boundary or within the required yard.

Fence, Decorative: A continuous or non-continuous fence erected mainly for aesthetic purposes and generally located in the front yard or side yard of a lot in a residential district. Examples of decorative fences include split rail, wrought iron, and wood picket fence.

Fence, Height: The height of any fence as measured from the base of the fence or the grade of the nearest adjacent roadway, whichever is lower.

Fence, Opacity: The percentage of opaqueness evenly spaced at all points on the fence when the fence is viewed at a 90 degree angle by the viewer.

Fence, Rear Yard Boundary: A continuous fence located on or near property lines within the rear yard of a lot in a residential district.

Fence, Rear Yard Privacy: A fence located within the buildable area of the rear yard of a residential lot and intended to divide portions of the lot into outdoor living areas.

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.

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Flood Frequency: The frequency of which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe: That portion of the flood plain outside of the Special Flood Hazard Area (one percent annual chance flood). Flood fringe is synonymous with the term "Floodway Fringe" used in the Flood Insurance Study for Chaska, Minnesota.

Flood Insurance Rate Map: An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Plain: The beds proper and the areas adjoining a wetland, 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 building or buildings, measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, "floor area" shall include:

- a) Basement space if a least one-half of the "basement story" is above established curb level, or where the curb level has not been established, above the average level of the finished grade;
- b) Elevator shafts and stairwells at each level;
- c) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7 1/2) feet, except equipment open or enclosed located on the roof, i.e., bulk needs, water tanks, and cooling towers;
- d) Attic floor space where the structural headroom exceeds seven and one-half (7 1/2) feet;
- e) Interior balconies and mezzanines;
- f) Enclosed porches, but not terraces and breezeways;
- g) Accessory uses.

Floor Area Ratio (FAR): The total floor area on a zoning lot divided by the total lot area of that zoning lot, or in the case of planned development by the net site area.

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Garage, Private: A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers, or one truck of a rated capacity not in excess of one and one-half (1 1/2) tons.

Garage, Public: A place where any or all of the services as set forth in the definition of Automobile Service Station are offered to the public and the services or sales are made directly into or on the motor vehicle.

Grade, Street: The elevation of the established street in front of the building, measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this Ordinance.

Hazardous Waste: Any refuse or discarded material or combination of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include infectious waste, sewage sludge and source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Heliport:

- a) *Clear Zone:* The area under the control of the heliport owner lying beneath the innermost portion of an approach-departure imaginary surface.
- b) *Final Approach and Takeoff Area (FATO):* A defined area over which the final phase of the approach maneuver to hover or land is completed, and from which the takeoff maneuver is commenced.
- c) *Helicopter:* A heavier-than-air rotorcraft aircraft that depends principally for its support in flight on the lift generated by one or more rotors.
- d) *Helipad:* A surface used for parking helicopters. It may be located inside or outside the FATO or the takeoff and landing area.
- e) *Heliport:* An identifiable area and facilities on land or on a structure used or intended for the exclusive use of helicopter landings or takeoffs.
- f) *Heliport, Minor:* A small-scale heliport with minimal facilities that include a marked landing pad, protective fencing, and a wind sock. It is often intended to serve corporate and medical-service helicopters. Certain navigational aids may be provided. Tiedown space for storage is not usually available.
- g) *Helistop:* An identifiable area used or intended to be used for the landings or takeoffs of helicopters engaged only in dropping off or picking up passengers or cargo. A helistop is one form of a heliport.

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- h) *Instrument Approach*: An approach to a heliport having sufficient navigational aids to meet Federal air regulations for flying by instruments.
- i) *Instrument Flight Rules (IFR)*: Rules as prescribed by Federal regulations for flying by instruments where conditions are below minimums for visual flight rules.
- j) *Landing and Takeoff Area*: That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length is 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area is 1.5 times the overall length of the largest helicopter expected to use the heliport.
- k) *Peripheral Area*: A peripheral area surrounding the landing and takeoff area with a minimum width of one-quarter (1/4) the overall length of the largest helicopter expected to use the heliport, but not less than ten (10) feet considered under Section 880D.1B00 of MnDOT Office of Aeronautics regulations as an obstruction-free safety zone.
- l) *Private-use Heliport*: A restricted heliport facility for the exclusive use by the owner, operator, or other persons having prior authorization to use the facility.
- m) *Public-use Heliport*: A heliport facility, whether publicly or privately owned, the public use of which for aeronautical purposes is invited, permitted, or allowed by the owner or person having right of access and control.
- n) *Touchdown Area*: The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.
- o) *Visual Flight Rules (VFR)*: "See-and-be-seen" flight rules. Used during good weather conditions under which an aircraft can be operated by visual reference to the ground and to other aircraft.

Home Occupation: An occupation carried on by the occupant of a dwelling in a residential district as a secondary use including, but not limited to, such occupations as dressmaking and alterations, artist's studio, phone sales, and typing services.

Horticulture: The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

Hotel: A building containing eight (8) or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient, permanent guests, or both, and where no provision is made for cooking in any guest room and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge. A hotel may contain one dwelling unit for occupancy by such person in charge.

Incineration: A burning process which converts combustible materials into non-combustible residue or ash.

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- Industry:** An enterprise which involves the production, processing, or storage of materials, goods, or products.
- Junk Yard:** Land or building where waste, discarded or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled, or handled including, but not limited to, scrap metal, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.
- Landscape:** Site amenities, including trees, shrubs, ground covers, flowers, mulches and edges, fencing, berms, retaining walls, irrigation paving, foundations, decks, decorative boulders, and other outdoor furnishings.
- Lot:** A piece, parcel, or plot of land intended for building development or as a unit for transfer of ownership.
- Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lot lines, measured within the lot boundaries.
- Lot, Corner:** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
- Lot Coverage:** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.
- Lot Depth:** The mean horizontal distance between the front lot line and the rear lot line of a lot.
- Lot, Interior:** A lot other than a corner lot.
- Lot Line, Front:** That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed in the office of the Building Inspector.
- Lot Line, Rear:** That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- Lot Line, Side:** Any boundary of a lot which is not a front lot line or a rear lot line.
- Lot of Record:** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Registrar of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds at the time this Ordinance is passed.
- Lot Width:** The horizontal distance between the side lot lines of a lot measured at the building setback line.

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Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

Manufactured Home: "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the State of Minnesota.

Material, Durable: (as pertaining to ground surfacing) A hard surface material such as concrete or asphalt but not including gravel or crushed rock.

Mechanical Equipment: Heating, ventilation, exhaust, air conditioning, and communication units integral to and located on top, beside, or adjacent to a building.

Modular Construction: Completely fabricated or assembled and self-contained units for residential, office or other occupancy, set or installed individually or in clusters on tracts of land, or erected as related or self-contained elements of larger structures.

New Construction: Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

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

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain area 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.

Off-street Loading Space: A space accessible from the street or alley, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

One Hundred Year Floodplain: Lands inundated by the "Regional Flood" (see definition).

Open Sales Lot: Land devoted to the display of goods for sale, rent, lease, or trade where such goods are not enclosed within a building.

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

Parcel: A separate area of land, including a lot, having specific boundaries and capable of being conveyed and recorded.

Parking Space, Automobile: A suitable surfaced and permanently maintained area off the public street right-of-way, either within or outside of a building, of sufficient size to store one standard automobile, but in no event less than 180 square feet, exclusive of passageways, driveways, or other means of circulation.

Particulate Matter: Dust, smoke, or any other form of air-borne pollution in the form of minute separate particles.

Person(s): The word “person(s)” may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations as well as to individuals.

Planned Development: A tract of land which contains, or will contain, two (2) or more principal buildings, developed or to be developed under unified ownership or control, the development of which may be unique and of a substantially different character than that of the surrounding areas.

Planning Commission: Chaska Planning Commission.

Principal Use or Structure: Means all uses or structures that are not accessory uses or structures.

Property Line Grade: The elevation of the property line in front of a building measured at the center of such building. Where no property line grade has been established, the mean elevation of the finished lot grade at the property line shall be considered the “existing” property line grade.

Protected Waters: Any waters of the State as defined in Minnesota Statutes 1980, Section 105.37, Subdivision 14. However, no lake, pond, or flowage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles shall be regulated by the State for the purposes set forth in Section 6 of this Ordinance. (The State’s “Public Waters” has been changed to “Protected Waters”. All regulations and requirements remain the same, only the name has been changed.)

Public Waters: See “Protected Waters”.

Quarter Quarter Section: The northeast, northwest, southwest, or southeast quarter of a quarter section delineated by the United States Government system of land survey and which is exactly or nearly 40 acres in size.

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Reach: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

Recreational Vehicle: a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of the Flood Protection ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

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 100 year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

Regulatory Flood Protection Elevation (RFPE): The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Retaining Wall: A wall or structure constructed of stone, concrete, wood, or other materials, used to retain soil, as a slope transition, or edge of a planting area.

Satellite Dish Antenna: An antenna, usually parabolic or spherical in shape, capable of receiving television or radio signals from orbiting satellites.

Satellite Dish Antenna, Eave-mount: A dish antenna supported on a pole attached to the ground and to the eave/roof overhang of a building. The bottom of the dish antenna would be six (6) to 30 inches above the point on the roof where the pole is attached, which is intended to be the lowest point on the roof.

Satellite Dish Antenna, Roof-mount: A dish antenna mounted on the roof of a building.

Screening: A barrier which restricts views from public roads and differing land uses to off-street parking areas, loading areas, service and utility areas, and mechanical equipment.

Setback: The minimum horizontal distance between a building and the street or lot line (unless specifically related to the street center line), disregarding steps and overhangs.

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Shopping Center / Cluster Development: A group of commercial establishments composed of not fewer than six (6) separate and distinct business entities which are located in one or more buildings comprising not less than 20,000 square feet of gross floor area, and which may share joint use of parking facilities, signage, pedestrian ways, traffic circulation, and other amenities.

Shoreland: Land located within the following distances from protected waters:

- a) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and
- b) 300 feet from a river or stream, or the landward extent of a flood plain on such rivers or streams, whichever is greater.

The practical limits of shorelands may be less than the statutory limits where such limits are designated by natural drainage divides at lesser distances.

Signs:

- a) *Activity:* Any business or institutional, professional, or religious entity which provides products or services;
- b) *Architectural Detail:* Any projection, relief, cornice, column, change of building material, window, or door opening on any building;
- c) *Area Sign:* The total area of the face which is used to display a sign, not including its supporting poles or structures;
- d) *Awning:* A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted against the building;
- e) *Canopy:* A structure, other than an awning, made of cloth, metal, or other material affixed to a building that is often built to serve the same purpose as an awning but cannot be raised or retracted against a building. In addition, a canopy can also be defined as a structure which is free standing, or nearly free standing, and designed to provide shelter;
- f) *Height, Ground Sign:* The height of a ground sign as measured from the base of the sign or supporting structure or the grade of the nearest adjacent roadway, whichever is lower. The height of all free standing signs shall be measured in a similar manner;
- g) *Illumination, External:* Illumination of a sign which is affected by an artificial light source which is not contained within the sign itself;
- h) *Illumination, Internal:* Illumination of a sign from a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. For the purpose of these regulations, neon signs shall not be considered to be internally illuminated;
- i) *Pennant:* Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or strung (usually in a series) designed to move in the wind. For the purpose of these

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regulations, a flag, except when used as a symbol for a governmental unit, shall be included under this definition;

- j) *Sign:* Any identification, description, illustration, or device, illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify, or convey information;
- k) *Sign, Animated:* A sign which uses movement or change in lighting to depict action or create a special effect or scene;
- l) *Sign, Awning or Canopy:* A frame which is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area. For the purpose of these sign regulations, an awning or canopy sign shall not be considered a projecting sign;
- m) *Sign, Backlit Canopy:* A frame structure with a translucent vinyl covering designed in canopy form, but whose principal purpose and use is signage. Such signs are internally illuminated. For the purpose of these sign regulations, a backlit canopy sign shall not be considered a projecting sign;
- n) *Sign, Construction:* A temporary sign identifying the project under construction and/or individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where the project is under construction;
- o) *Sign, Directional:* An on-premise sign providing information for the convenience of the public, such as the location of entrances, exits, parking lots, and other instances when signage is necessary for orderly traffic movement;
- p) *Sign, Flashing:* An illuminated sign on which an artificial source of light is not maintained stationary or at constant intensity or color at all times when such sign is illuminated;
- q) *Sign, Governmental:* A public sign designed for the control of traffic and other regulated purposes including street signs, warning signs, railroad crossing signs, and signs of public service companies. For the purposes of these regulations, a governmental sign also includes any sign which is located off-premise and is specifically designed to provide directions to a public or semi-public building such as City Hall, the Courthouse, libraries, hospitals, and schools;
- r) *Sign, Ground:* A free standing sign supported by one or more uprights, posts, or bases affixed to the ground and not attached to any part of a building. Included under the definitions of a ground sign are the following types:
 - BUSINESS CENTER IDENTIFICATION SIGN: Either a pole or monument ground sign which is utilized to identify a business center or industrial park and/or the activities operating within the business center or industrial park.

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- MONUMENT SIGN: A ground sign which does not utilize pylons, posts, poles, or uprights for support, but instead is anchored directly to the ground or is attached to a base which is anchored to the ground.
- POLE SIGN: A ground sign erected upon pylons, posts, poles, or uprights which are anchored to the ground.
- RESIDENTIAL ENTRANCE MONUMENT: A monument ground sign which is utilized to identify a residential subdivision or other residential development including townhome, condominium, apartment, and manufactured home developments.
- SIGN, ILLUMINATED: A sign which utilizes an artificial source of light, either internally or externally, in connection with the display of such sign.
- SIGN, NAMEPLATE: Any sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.
- SIGN, NONCONFORMING: A sign which does not adhere to one or more of the provisions contained in Section 10.
- SIGN, OFF-PREMISE: A sign which directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located, or within the building to which sign is affixed. Billboard signs are one, but not the only, type of off-premise sign.
- SIGN, POLITICAL: A temporary sign which states the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum.
- SIGN, PROJECTING: A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than 16 inches. For the purposes of these sign regulations, an awning or canopy sign shall not be considered a projecting sign.
- SIGN, REAL ESTATE: A temporary sign which is used to offer for sale, lease, or rent the premises upon which such sign is placed. For the purpose of these sign regulations, open house signs shall also be included under this definition.
- SIGN, ROOF: A sign which is displayed, in whole or in part, above the eaves or roofline of a building.
- SIGN, SERVICE AREA CANOPY: A permanent sign affixed to a canopy which is free standing, or which derives its primary support from poles, pylons, or uprights affixed directly to the ground, and which is designed principally to shelter an outdoor service area. Examples of free standing canopy signs include those over gasoline pumps and bank and fast-food drive throughs.

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- SIGN, SPECIAL EVENT: A temporary sign which is used to advertise or promote an event of special significance in the City of Chaska. Such special events include events of civic, philanthropic, educational, or religious organizations; examples of which are River City Days and the Fall Festival.
- SIGN, TEMPORARY: A non-permanent sign erected, affixed, or maintained on a premises for a limited period of time.
- SIGN, TEMPORARY BUSINESS: A temporary sign, located on-premise and meant to identify a special unique or limited event, service, product, sale of limited duration, or grand opening. Included under this definition are banners containing a message and erected for any of the above purposes.
- SIGN, WALL: A sign, or lettering or symbols that when placed on a wall form a sign, attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall. Such a sign shall not project more than 16 inches from the facade. For the purposes of these regulations, wall signs include signs placed on false fronts, parapets, and wingwalls.
- SIGN, WHEELED: A sign often containing a message board which is affixed or can be affixed to a trailer with wheels for the purpose of mobility.
- SIGN, WINDOW: A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.
- TOTAL FACE AREA, AWNING OR CANOPY: The portion of an awning or canopy which is parallel, or within 15 degrees of parallel, to the building facade upon which it is attached.

Solid Waste: Garbage, refuse, sludge from a waste supply treatment plant or air contaminant treatment facility, and other discarded waste materials and commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954.

Special Flood Hazard Area: A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

Stable, Private: A place where horses are confined, bred, or raised primarily for personal use as opposed to public use.

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Stable, Public: A place where horses are kept with the premises open to the public during established hours, including but not limited to, riding academies, rental, auction houses, boarding, breeding, training and conditioning.

Start of Construction: includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, First: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

Street, Arterial: A street which provides for traffic movement to and from municipalities and the surrounding areas, to and from freeways/expressways and collector streets, and between major parts of an urban area. Intersections are at grade and direct access to abutting property should be avoided.

Street, Collector: A street which collects and distributes the internal traffic within an area of a community such as a residential neighborhood or industrial district, and between arterial and local streets. It provides some access to abutting property.

Street, Local: A street of little or no continuity, designed to provide access to abutting property and ideally leading into collector streets.

Structure: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes.

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

Substantial Damage: means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: within any consecutive 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 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- a) 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, or
- b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

Townhouse: A dwelling unit attached to other dwelling units by common walls, side by side, extending from the foundation to the roof and without any portion of one dwelling unit located above any portion of another dwelling unit, and with each dwelling unit having a separate entrance from outside the building.

Travel Trailer: A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation, and vacation uses.

Usable Open Space: That required portion of a lot at ground level, unoccupied by buildings and available to all occupants of the building. This space of minimum prescribed dimensions shall not be devoted to service driveways or off-street parking space and/or loading berths, but shall be usable for greenery, recreational space and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas may also be considered as usable space.

Use: The purpose or the activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: A use subordinate to the principal use or building on the same lot and customarily incidental thereto as well as detached therefrom.

Use, Incompatible: A use which is incapable of direct association with certain other uses because it is contradictory, incongruent, or discordant.

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Use, Nonconforming: Any lawfully established use of a building or premises which on the effective date of the Ordinance does not comply with the use regulations of the zoning district in which such building or premises is located.

Use, Permitted: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards, if any, of such district.

Use, Principal: The main use of land or buildings as distinguished from a subordinate or accessory use.

Variance: Means a modification of a specific permitted development standard required 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 hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

Yard: An open space on a lot which is unobstructed from the lowest level to the sky, except as hereinafter permitted. A yard extends along a lot line and at right angles to such lot lines to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, Front: The portion of the yard on the same lot with the building between the front line of the building and the front line of the lot for the lot's full width.

Yard, Rear: The portion of the yard on the same lot with the building between the rear line of the building and the rear line of the lot for the full width of the lot. In those locations where an alley is platted in the rear of the lots, one-half of the width of the platted alley may be included in the rear yard requirements. On corner lots the owner may elect which yards are to be side and rear lots.

Yard, Side: A yard extending along a side lot line between the front and rear yards.

Zoning Administrator: The Community Development/Code Administrator of the City of Chaska or such other person as duly appointed by the City Council.

Zoning District: An area or areas for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

Zoning Map: The map setting forth the boundaries of the Zoning Districts of Chaska which map is a part of the Ordinance.