

CHAPTER 10 LAND USE REGULATIONS

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ORDINANCE 1000 TITLE, INTENT, RULES, DEFINITIONS

Section 1000.01: TITLE. This Ordinance shall be known, cited, and referred to as the Kimball Zoning Ordinance.

Section 1000.02: INTENT AND PURPOSE. This Ordinance is adopted for the purposes of:

- (1) Protecting the public health, safety, morals, comfort, convenience, and general welfare;
- (2) Promoting orderly development of the residential, commercial, industrial, recreational, and public areas within the City of Kimball;
- (3) Conserving the natural scenic beauty and attractiveness of the City;
- (4) Conserving and developing natural resources in the City;
- (5) Providing for the compatibility of different land uses and the most appropriate use of land throughout the City;
- (6) Minimizing environmental pollution; and
- (7) Conserving energy through the use of solar systems and the encouragement of solar and earth-sheltered structures for commercial, industrial, and residential uses.

Section 1000.03: RULES OF CONSTRUCTION. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number shall be deemed to include the plural and the plural the singular.
- (2) The present tense shall be deemed to include the past and future tenses, and the future the present.
- (3) The word "shall" is mandatory, and the word "may" is permissive.
- (4) The masculine gender shall be deemed to include the feminine and neuter genders.
- (5) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
- (6) All measured distances expressed in feet shall be to the nearest tenth of a foot.
- (7) In the event of conflicting provisions, the more restrictive provisions shall apply.
- (8) All words or phrases not otherwise defined herein shall be deemed to have their ordinary usage and meaning.

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Section 1000.04: DEFINITIONS. The following words and terms, whenever they occur in this Ordinance, are defined as follow:

- (1) Accessory Use of Structure - A use of a structure or portion of a structure subordinate to and serving the principal use of the structure, on the same lot and customarily incidental thereto.
- (2) Agricultural Use - The use of land for the growing and/or production of field crops, livestock, or livestock products for the production of income, including but not limited to the following:
 - (a) field crops, including without limitation barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, sunflowers and alfalfa.
 - (b) livestock, including without limitation, 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 without limitation milk, butter, cheese, eggs, meat, fur and honey.
- (3) Agricultural Building or Structure - Any building or structure existing or erected, which is used principally for agricultural purposes, with the exception of dwelling units.
- (4) Apartment - A room or suite of rooms with cooking facilities available, which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.
- (5) Auto or Motor Vehicle Reduction Yard - A lot or yard wherein one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also: Junk Yard).
- (6) Automobile Service Station - A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles.
- (7) Basement - A portion of a building located partly underground, but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.
- (8) Boarding House (Rooming or Lodging House) - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not exceeding twenty persons.
- (9) Building - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind. When said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
- (10) Building Line - A line, parallel to the street right-of-way at any story level of a building, representing the minimum distance which all or any part of the building is to be set back

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from the right-of-way line.

- (11) Building Height - The vertical distance measured from the average grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, or to the mean distance of the highest gable on a pitched or hip roof.
- (12) Building Setback - The minimum horizontal distance between a building and a lot line, or in appropriate cases, between a building and the normal high water mark of a body of water.
- (13) Business - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- (14) Church - A building, together with its accessory buildings and uses, which is maintained and controlled by a religious body organized to sustain public religious worship, and where persons regularly assemble for religious worship.
- (15) City - The City of Kimball.
- (16) Clear-Cutting - The entire removal of a stand of vegetation.
- (17) Clustering/Cluster Housing - The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.
- (18) Comprehensive Plan - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City and its environs, as defined in the Municipal Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (19) Commissioner - Commissioner of the Department of Natural Resources.
- (20) County - Stearns County.
- (21) Conditional Use - A use which is classified as conditional is one which generally may be appropriate or desirable in a specific zone, but which requires special approval because, if not carefully located or designed, may create special problems such as excessive height or bulk or abnormal traffic congestion, among others.
- (22) Condominium - A form of individual ownership within a multi-family building with joint responsibility for maintenance and other repairs. In a condominium, each apartment or townhouse is owned outright by its occupant(s).
- (23) 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.
- (24) Curb Level - The grade elevation established by the City Council of the curb in front of

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the center of the building. Where no curb level has been established by the City Council, the City Engineer shall determine a curb level or its equivalent for purposes of this Ordinance.

- (25) Drive-In - Any use where products and/or services are provided to the customer under conditions where the customer need not leave the car, or where service to the automobile occupants is offered regardless of whether service is also provided within a building.
- (26) Dwelling Unit - A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. There are three principal types of dwelling units:
 - (a) Single-family: A free-standing (detached) residence structure designed for or occupied by one family only.
 - (b) Two-family: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
 - (c) Multiple-family: A residence designed for or occupied by three or more families, either wholly (attached) or partially as part of a larger structure (detached), with separate housekeeping and cooking facilities for each family.
- (27) Dwelling, Attached - One which is joined to another dwelling or building at one or more sides by a party wall or walls.
- (28) Dwelling, Detached - One which is entirely surrounded by open space on the same lot.
- (29) Easement - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways; roadways; or utilities, including without limitation sanitary sewers, water mains, electric lines, telephone lines, storm sewers or storm drainage ways, and gas lines.
- (30) Efficiency Unit - A dwelling unit with one primary room which serves as a living room, kitchen and bedroom.
- (31) Essential Services - Overhead or underground electrical, gas, steam or water transmission or distribution systems; and structures for collection, communication, supply or disposal systems; and structures used by public utilities or governmental departments or commissions or as are required for the 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 buildings. For the purpose of this Ordinance, the word "buildings" does not include "structures" for essential services.
- (32) Exterior Storage (Includes Open Storage) - The storage of goods, material equipment, manufactured products and similar items not fully enclosed by a building.
- (33) Extraction Area - Any non-agriculture artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excluding basements, made by the removal from the natural surface of the earth any sod, soil, sand, gravel, stone or other

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natural matter, or made by turning, breaking, or undermining of the surface of the earth for the purpose of removing minerals or borrow of fill.

- (34) Family - An individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
- (35) Farm - A tract of land which is principally used for agricultural activities such as the production of cash crops or raising of livestock. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm.
- (36) Fence - Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along a boundary, or within a yard.
- (37) Flood - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
- (38) Floor Area - The sum of the gross horizontal area of the several floors of a building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices; provided, however, that "floor area" shall not include basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
- (39) Floor Area Ratio - The numerical value obtained by dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.
- (40) Floor Plan - General - A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
- (41) Forestry - The use and management, including logging, of a forest, woodland or plantation, and related research and educational activities, including the construction, alteration or maintenance of woodroad, skidway, landing, or fence.
- (42) Frontage - That boundary of a lot which abuts an existing or dedicated public street.
- (43) Garage, Private - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families residing upon the premises.
- (44) Governing Body - Kimball City Council.
- (45) Home Occupation - Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit. Such uses are not subject to regulation by the Zoning ordinance but may require a Business License pursuant to Chapter 655, and may include without limitation professional offices, minor repair services, excluding vehicle repair services, photo or art studios, dressmakers, barber shops, beauty shops, tourist homes, or similar uses.
- (46) Horticulture - Horticultural uses and structures designed for the storage of products and

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machinery pertaining and necessary to horticulture.

- (47) Hotel - A building which provides a common entrance, lobby, halls and stairway, and in which twenty or more people can be, for compensation, lodged with or without meals.
- (48) Interim Use - A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
- (49) Junk Yard - An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. The phrase "junk yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings, nor does it include sanitary landfills.
- (50) Kennel - Any structure or premises on which four (4) or more dogs over six (6) months of age are kept for sale, board, breeding, or profit.
- (51) Landscaping - Plantings, including trees, grass, ground cover, and shrubs.
- (52) Lodging Room - A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.
- (53) Lot - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
- (54) Lot of Record - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Stearns County, Minnesota, prior to the effective date of this Ordinance.
- (55) Lot Area - The area of a lot in a horizontal plane bounded by the lot lines.
- (56) Lot, Corner - A lot situated at the junction of, and abutting on, two or more intersecting streets; or, a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- (57) Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.
- (58) Lot Line - The property line bounding a lot; except that where any portion of a lot extends into the public right-of-way, the edge of the right-of-way abutting the lot shall be the lot line for purposes of this Ordinance.
- (59) 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 line shall be designed by the owner and filed with the County Recorder.
- (60) Lot Line, Rear - That boundary of a lot which is opposite the front lot line. If the rear line

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is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to, and at the maximum distance from, the front lot line.

- (61) Lot Line, Side - Any boundary of a lot which is not a front lot line or a rear lot line.
- (62) Lot, Substandard - A lot or parcel of land, for which a deed has been recorded in the office of the County Recorder upon or prior to the effective date of this Ordinance, and which does not meet the minimum lot area, structural setbacks, or other dimensional standards of this Ordinance.
- (63) Lot, Through - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lot lines shall be Front Lot Lines for applying this Ordinance.
- (64) Lot Width - The maximum horizontal distance between the side lot lines as measured within the first thirty (30) feet of the lot depth from the Front Lot Line. On Through Lots, the lot width shall be measured from either Side Lot Line, whichever will result in the widest lot width.
- (65) Manufactured Home - A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term also includes any structure which meets the requirements of MN State Statute 327.31 Sub. 6.
- (66) Manufactured Home Park – Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
- (67) Metes and Bounds - A method of property description by means of the property's direction and distance from an easily identifiable point.
- (68) Mining - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.
- (69) Mobile Home - Living quarters designed for transportation after fabrication on streets and highways on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like.
- (70) Mobile Home Park - Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied mobile homes. "Mobile home park" shall include any building, structure, vehicle, or enclosure

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intended for use as part of the equipment of such mobile home park.

- (71) Mobile Home Stand - The part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures, or additions.
- (72) Modular Home - A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.
- (73) Motel (Tourist Court) - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.
- (74) Multiple Residence (Apartment Building) - Three or more dwelling units in one structure.
- (75) Nursery, Landscape - A commercial business engaged in growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
- (76) Nursing Home - A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. All nursing homes shall be licensed by the State Board of Health as provided in Minnesota Statutes.
- (77) Official Map - The map established by the governing body, in accordance with the Municipal Planning Act, showing streets, highways, parks and drainage, both existing and proposed.
- (78) Ordinary Highwater 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 highwater mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary stream bank is not evident, setbacks shall be measured from the open water, the main channel, adjoining side channels, backwaters and sloughs. The ordinary highwater mark shall be determined by the Commissioner.
- (79) Off-Street Loading Space - A space accessible from a street, alley or driveway for the use of commercial trucks or other vehicles while loading or unloading merchandise or materials.
- (80) Open Sales Lot (Exterior Storage) - Any land used or occupied for the purpose of displaying, buying, or selling of goods, materials, or merchandise, and for the storing of same under the open sky prior to sale.
- (81) Parking Space - A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building, and of sufficient size to store one standard automobile.
- (82) Pedestrian Way - A public or private right-of-way across or within a block, to be used by pedestrians.

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- (83) Planning Commission - The Planning Commission of Kimball, except when otherwise designated.
- (84) Planned Unit Development - A residential development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan, and where the common open space is owned and maintained by the homeowners or by a homeowners association.
- (85) Prefabricated Home - A non-mobile home housing unit, the walls, floors and ceilings of which are constructed as completed, permanently affixing the unit to the site.
- (86) Principal Structure or Use - One which determines the predominant use as contrasted with accessory use or structure.
- (87) Property Line - The legal boundaries of a parcel of property which may also coincide with the right-of-way line of a road, cartway, and the like.
- (88) Property Owner - Any person, association or corporation having a freehold estate interest or leasehold interest extending for a term or having renewal options for a term in excess of one (1) year; a dominant easement interest; or an option to purchase any of same; but not including holders or owners of interests held for security purposes only.
- (89) Protective Covenant - A contract entered into between private parties which constitutes a restriction of the use of particular parcel of property.
- (90) Public Land - Land owned or operated by a municipality, school district, county, state, or other governmental units.
- (91) Public Water - A body of water capable of substantial beneficial public use. This shall be construed to mean any body of water which has the potential to support any type of recreational pursuit or water supply purpose. However, no lake, pond or flowage of less than twenty-five (25) acres in size and no river or stream having total drainage area less than two (2) square miles need be regulated by the City for the purpose of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner shall be exempt from the provisions of the statewide standards and criteria.
- (92) Recreation, Commercial - All uses such as bowling alleys, roller and skating rinks, driving or shooting ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.
- (93) Recreation Equipment - Play apparatus as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, play houses exceeding twenty-five square feet of floor area, or sheds utilized for the purpose of providing recreation.
- (94) Reclamation Land - The improvement of land by depositions of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.

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- (95) Registered Land Survey - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. (See Minnesota Statutes 508.47)
- (96) 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.
- (97) Regulatory Flood Protection Elevation - A point not less than one foot above the water surface profile associated with the regional flood, plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood-proofed.
- (98) Road - A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road avenue, boulevard, land, alley, place or however otherwise designated. Ingress and egress easements shall not be considered roads.
- (99) Rooming House - A building designed or used as a single family dwelling, all or a portion of which contains rooming units which accommodate three or more persons who are not members of the same keeper's family. Rooms or meals, or both, are provided for compensation on a periodic payment basis.
- (100) Selective Cutting - The removal of single scattered trees.
- (101) Sewage - Any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agricultural or commercial establishment, whether treated or untreated, including the liquid wastes produced by bathing, laundry, culinary operations, toilets and floor drains. "Raw sewage" is sewage which has not been subjected to any treatment process.
- (102) Shoreland - Land located within the following distances from public waters: (A) 1,000 feet from the normal highwater mark of a lake, pond or flowage; and (B) 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances, and when approved by the Commissioner.
- (103) Shoreland Alteration - Grading, filling in shoreland areas, or any alteration of the natural topography where the slope of the land is toward a public water or watercourse leading to a public water.
- (104) Shoreland Setback - The minimum horizontal distance between a structure and the normal highwater mark.
- (105) Sign - A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon or by a building structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

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- (106) Sign, Advertising - A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold or offered upon the premises where such a sign is located, including a billboard.
- (107) Solar Energy Systems – A solar energy system is a system whose primary purpose is to harvest energy by transforming solar energy into another form of energy by transferring heat from a collector to another medium using mechanical, electrical or chemical means.
- (108) Solar Energy Systems, Accessory - A solar panel or array mounted on a building, pole which is directly connect to or designed to serve the energy needs of the primary use.
- (109) Solar Farms - A solar array composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use but rather for the primary purpose of wholesale sales of generated electricity. Solar farms include but are not limited to community solar gardens which are defined as a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. Solar farms and community solar gardens are considered a principal use.
- (110) Street - A public right of way which affords primary means of access to abutting property. The word "street" shall be synonymous with "Road."
- (111) Street, Collector - A street which serves as, or is designed to serve as, a traffic-way for a neighborhood or as a feeder to a major street.
- (112) Street, Major or Thoroughfare - A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- (113) Street, Local - A street intended to serve primarily as an access to abutting properties.
- (114) Street Pavement - The wearing or exposed surface of the street used by vehicular traffic.
- (112) Street Width - The width of the right-of-way, measured at right angles to the centerline of the street.
- (113) Story - That portion of a building included between the upper surface of any floor and the upper surface of the next floor 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 basement, cellar, or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter, the cellar, or unused under-floor space shall be considered a story.
- (114) Structure - Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.
- (115) Subdivision - The division or redivision of a lot, tract, or parcel of land into two or more lots either by plat or by metes and bounds description.

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- (116) Townhouse - A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.
- (117) Use - A purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.
- (118) Use, Accessory - A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
- (119) Use, Interim – See Interim Use.
- (120) Use, Non-Conforming - A use of land, buildings, or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance, or any amendments hereto governing the zoning district in which such use is located.
- (121) Use, Permitted - A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.
- (122) Use, Principal - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
- (123) Use, Conditional - See Conditional Use.
- (124) Variance - A modification or variation of the provisions of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot which were not caused by the owner, strict application of the Ordinance would result in undue hardship.
- (125) Wetland - Land which is annually subject to periodic or continual inundation by water, commonly referred to as a bog, swamp, or marsh.
- (126) Yard - A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.
- (127) Yard, Rear - The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.
- (128) Yard, Side - The yard extending along the side lot line between the front yard and rear yard to a depth or width required by setback regulations for the district in which such lot is located.
- (129) Yard, Front - A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to the depth required in the setback regulations for the zoning district in which such lot is located.
- (130) Zoning Administrator - The duly appointed person charged with enforcement of this

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Ordinance.

- (131) Zoning Amendment - A change authorized by the City Council, altering any provision of this Ordinance.
- (132) Zoning District - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform as defined by this Ordinance.

Section 1000.05: GENERAL PROVISIONS. The following general provisions shall control the interpretation of this Chapter.

- (1) In their interpretation and application, the provisions of this Ordinance shall be deemed to be the minimums allowable for the promotion of the public health, safety, morals, and welfare.
- (2) Where the conditions imposed by any provision of this Ordinance are more or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the conditions which are the most restrictive or which impose the highest standards or requirements shall prevail.
- (3) Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered; and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.

Section 1000.06: SEPARABILITY. It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision of this Ordinance to other property, building, or structure.