

6105.0040 DEFINITIONS.

Subpart 1. **Shall; measurement of distances.** For the purpose of these parts, certain terms or words used herein shall be interpreted as follows: the word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

Subp. 2. **Agricultural use.** "Agricultural use" means the management of land for production of farm crops such as vegetables, fruit trees, grain, and other crops, and their storage on the area, as well as for the raising thereon of farm poultry, domestic pets, and domestic farm animals.

Subp. 3. **Bluffline.** "Bluffline" means a line along the top of a slope connecting the points at which the slope becomes less than 13 percent. This applies to those slopes within the land use district which are beyond the setback provision from the normal high water mark.

Subp. 4. **Building line.** "Building line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

Subp. 5. **Campground.** "Campground" means an area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

Subp. 6. **Clear cutting.** "Clear cutting" means the removal of an entire stand of vegetation.

Subp. 7. **Cluster development.** "Cluster development" means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Department of Natural Resources.

Subp. 9. **Conditional use.** "Conditional use" means a use of land which is permitted within a zoning district only when allowed by the county board of commissioners or their legally designated agent after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

Subp. 10. **Essential services.** "Essential services" means underground or overhead gas, electrical, steam, or water distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.

Subp. 11. **Forestry.** "Forestry" means the management, including logging, of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration, or maintenance of woodroads, skidways, landings, and fences.

Subp. 12. **Land use district.** "Land use district" means those lands designated by the commissioner as the protected land corridor along those rivers or river segments which the commissioner has designated as components of the Minnesota wild and scenic rivers system. The boundaries of such land use district shall include not more than 320 acres per each mile of river on both sides (not each side) of the river.

Subp. 13. **Mining operation.** "Mining operation" means the removal from the land of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products, or other material for commercial, industrial, or governmental purposes.

Subp. 14. **Nonconforming use.** "Nonconforming use" means any use of land established before the effective date of a county or local ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

Subp. 15. **Normal high water mark.** "Normal high water mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the normal high water mark is not evident, setbacks shall be measured from the stream bank.

Subp. 16. **Open space recreational uses.** "Open space recreational uses" means recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas.

Subp. 17. **Primitive campsites.** "Primitive campsites" means an area that consists of individual remote campsites accessible only by foot or water.

Subp. 18. **Scenic easement.** "Scenic easement" means an interest in land, less than the fee title, which limits the use of the land for the purpose of protecting the scenic, recreational, or natural characteristics of wild, scenic, or recreational river areas. Unless otherwise expressly and specifically provided by the parties, such easement shall be: perpetually held for the benefit of the people of Minnesota; specifically enforceable by its holder or any beneficiary; and binding on the holder of the servient estate, the holder's heirs, successors, and assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

Subp. 19. **Selective cutting.** "Selective cutting" means the removal of single scattered trees.

Subp. 20. **Setback.** "Setback" means the minimum horizontal distance between a structure and the normal high water mark or between a structure and a road or highway.

Subp. 21. **Sewage disposal system.** "Sewage disposal system" means any system for the collection, treatment, and dispersion of sewage including but not limited to septic tanks, soil absorption systems, and drain fields.

Subp. 22. **Single-family dwelling.** "Single-family dwelling" means a detached building containing one dwelling unit.

Subp. 23. **Structure.** "Structure" means any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances.

Subp. 24. **Subdivision.** "Subdivision" means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five-year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

Subp. 25. **Substandard use.** "Substandard use" means any use of shorelands existing prior to the date of enactment or amendment of a county or local ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

Subp. 26. **Variance.** "Variance" means a modification or variation of the provisions of the local ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause unnecessary hardship, or that strict conformity with the provisions of the local ordinance would be unreasonable, impractical, or not feasible under the circumstances. This shall be evaluated according to the provisions contained in parts 6105.0220 to 6105.0250.

Subp. 27. **Watershed management or flood control structure.** "Watershed management or flood control structure" means a dam, floodwall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the commissioner.

Subp. 28. **Wetland.** "Wetland" means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

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