

6120.2500 DEFINITIONS.

Subpart 1. **Scope of terms; mandatory; distances.** For the purpose of parts 6120.2500 to 6120.3900, certain terms or words used shall be interpreted as follows: the word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Subp. 1a. **Accessory structure or facility.** "Accessory structure" or "facility" means any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

Subp. 1b. **Bluff.** "Bluff" means a topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- A. part or all of the feature is located in a shoreland area;
- B. the slope rises at least 25 feet above the ordinary high water level of the waterbody;
- C. the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- D. the slope must drain toward the waterbody.

An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

Subp. 1c. **Bluff impact zone.** "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.

Subp. 2. **Boathouse.** "Boathouse" means a structure designed and used solely for the storage of boats or boating equipment.

Subp. 3. **Building line.** "Building line" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Subp. 3a. **Commercial planned unit developments.** "Commercial planned unit developments" are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Subp. 3b. **Commercial use.** "Commercial use" means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Subp. 3c. **Commissioner.** "Commissioner" means the commissioner of the Department of Natural Resources.

Subp. 4. [Repealed, 13 SR 3029]

Subp. 5. **Conditional use.** "Conditional use" means a use as this term is defined in Minnesota Statutes, chapter 394.

Subp. 6. [Repealed, 13 SR 3029]

Subp. 6a. **Deck.** "Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Subp. 6b. **Duplex, triplex, and quad.** "Duplex," "triplex," and "quad" means a dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Subp. 6c. **Dwelling site.** "Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Subp. 6d. **Dwelling unit.** "Dwelling unit" means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Subp. 6e. **Extractive use.** "Extractive use" means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Subp. 6f. **Forest land conversion.** "Forest land conversion" means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Subp. 6g. **Guest cottage.** "Guest cottage" means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Subp. 7. **Hardship.** "Hardship" means the same as that term is defined in Minnesota Statutes, chapter 394.

Subp. 7a. **Height of building.** "Height of building" means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Subp. 7b. **Industrial use.** "Industrial use" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Subp. 7c. **Intensive vegetation clearing.** "Intensive vegetation clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Subp. 8. **Lot.** "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Subp. 9. **Lot width.** "Lot width" means the shortest distance between lot lines measured at the midpoint of the building line.

Subp. 10. **Nonconformity.** "Nonconformity" means the same as that term is defined or described in Minnesota Statutes, chapter 394.

Subp. 11. **Ordinary high water level.** "Ordinary high water level" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Subp. 12. **Planned unit development.** "Planned unit development" means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Subp. 13. **Public waters.** "Public waters" means any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a. However, no lake, pond, or flowage of less than ten acres in size in municipalities and 25 acres in size in unincorporated areas need be regulated for the purposes of parts 6120.2500 to 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from parts 6120.2500 to 6120.3900.

The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the commissioner.

Subp. 13a. **Residential planned unit development.** "Residential planned unit development" means a use where the nature of residency is nontransient and the

major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.

Subp. 13b. **Semipublic use.** "Semipublic use" means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Subp. 13c. **Sensitive resource management.** "Sensitive resource management" means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Subp. 14. **Setback.** "Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Subp. 14a. **Sewage treatment system.** "Sewage treatment system" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in chapter 7080.

Subp. 14b. **Sewer system.** "Sewer system" means pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Subp. 14c. **Shore impact zone.** "Shore impact zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Subp. 15. **Shoreland.** "Shoreland" means land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Subp. 15a. **Significant historic site.** "Significant historic site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by

the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Subp. 15b. **Steep slope.** "Steep slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Subp. 16. **Structure.** "Structure" means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subp. 17. **Subdivision.** "Subdivision" means land that is divided for the purpose of sale, rent, or lease, including planned unit development.

Subp. 18. [Repealed, 13 SR 3029]

Subp. 18a. **Surface water-oriented commercial use.** "Surface water-oriented commercial use" means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Subp. 18b. **Toe of the bluff.** "Toe of the bluff" means the lower point of a 50-foot segment with an average slope exceeding 18 percent.

Subp. 18c. **Top of the bluff.** "Top of the bluff" means the higher point of a 50-foot segment with an average slope exceeding 18 percent.

Subp. 19. **Variance.** "Variance" means the same as that term is defined or described in Minnesota Statutes, chapter 394.

Subp. 20. **Water-oriented accessory structure or facility.** "Water-oriented accessory structure or facility" means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Subp. 21. **Wetland.** "Wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition), which is hereby incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.

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