

**ARTICLE 26.00
DEFINITIONS**

SECTIONS: 26.01 Purpose
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26.01 PURPOSE. For the purpose of these regulations certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word 'building' shall include the word 'structure' and 'premises'; the word 'shall' is mandatory and not directory; the words 'used' or 'occupied' include the words 'intended', 'designed' or 'arranged to be used or occupied'; the word 'lot' includes the words 'plot', 'parcel' or 'tract', and the word 'person' includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

26.02 DEFINITIONS.

1. ABANDONED SIGN. A sign or sign structure which contains no sign copy, contains obliterated or obsolete sign copy, or is maintained in an unsafe or unsightly condition for a period of three months shall be considered an abandoned sign. *(amended by MC16-19-94)*

5. ACCESSORY BUILDING OR USE. A subordinate building or portion of the main building, the use of which is incidental to and customary in connection with the main building or the main use of the premises and which is located on the same lot with such main building or use. An accessory use is one which is incidental to the main use of the premises.

- 5.A. ADAPTIVE RESUSE. The modification of an existing single family dwelling, upon the issuance of a building permit, into an accessory building or use. *(amended by MC16-111-10)*

6. ADULT AMUSEMENT OR ENTERTAINMENT ESTABLISHMENT. Any use which has as part of its operations amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as herein defined, or which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment. *(amended by MC16-29-95)*

7. ADULT BOOKSTORES. An establishment having as a substantial or significant portion of its stock and trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as herein defined, or an establishment with a segment or section devoted to the sale or display of such materials. *(amended by MC16-29-95)*

8. ADULT MINI-MOTION PICTURE THEATER. An enclosed building with a capacity for less than fifty (50) persons used for presenting material for

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observation by patrons and which excludes minors by virtue of age. *(amended by MC16-29-95)*

9. **ADULT MOTION PICTURE THEATER.** An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as herein defined, for observation by patrons therein. *(amended by MC16-29-95)*
- 9A. **ADULT PHOTO STUDIO.** An establishment which, on payment of a fee, provides photographic equipment and/or models for the purpose of photographing “specified anatomical areas”, as herein defined. *(amended by MC16-29-95)*
- 9B. **ADULT USE.** The term “adult use” shall include adult amusement or entertainment establishment, adult bookstores, adult mini motion picture theaters, adult motion picture theaters, and adult photo studios. *(amended by MC16-29-95)*
10. **AGRICULTURE.** The use of land for agricultural purposes including farming, dairying, raising, breeding, or management of livestock, poultry, or honey bees, truck gardening, forestry, horticulture, floriculture, viticulture, and the necessary accessory uses for packaging, treating or storing the produce providing that the operation of any such accessory use shall be secondary to the normal agricultural activities. This definition shall not include intensive agricultural activities such as concentrated animal feeding operations and agribusiness activities. *(amended by 16-40-98)*
- 10.A **AGRICULTURAL WORKFORCE HOUSING .** Means any living quarters which meet the requirements of the International Building Code and International Housing Code, provided by any agricultural employer required to provide such housing for employees or families employed as labor force in agricultural activities on land owned and operated by such employer. *(amended by MC16-127-13 3/19/13)*
11. **AGRICULTURAL TOURISM.** Agriculturally related accessory uses, that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, farm stands, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, thrashing bees, farmland and activities tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, wine, beer, spirits, or cheese tasting, and similar uses. *(amended by MC16-144-15 12/1/15)*
12. **AGRICULTURAL TOURISM PRODUCTS.** Includes but is not limited to, crops (corn, wheat, hay, potatoes, hops, barley, rye, oats, and other grains); fruit (apples, peaches, grapes, cherries, berries.); cider; apiary products; vegetables (sweet corn, pumpkins, tomatoes.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, fur); aquaculture products (fish, fish products, water plants and shellfish); and holiday trees. *(amended by MC16-144-15 12/1/15)*

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13. A AGRICULTURAL TOURISM SIGN - SEASONAL. A sign erected for a limited period of time during the year when retailing activities for an approved agricultural tourism use are available to the public. *(amended by MC16-144-15 12/1/15)*
13. B AGRICULTURAL TOURISM SIGN - PERMANENT. A sign erected for an approved agricultural tourism use. *(amended by MC16-144-15 12/1/15)*
14. A AGRICULTURAL TOURISM SPECIAL EVENT. An activity, involving more than 100 people, that is desirable but unrelated to agriculture, which is held on active, agriculturally productive land in conjunction with agricultural tourism. Special events are open to the public and include festivals, craft shows, and other similar events. Music festivals and/or outdoor concerts are not special events and require temporary use permit approval. *(amended by MC16-144-15 12/1/15)*
14. B AGRICULTURAL TOURISM PRIVATE EVENT. Events not related to the operational and marketing aspects of the agricultural tourism use, such as weddings, receptions, and meetings/retreats, and which are not open to the public. The maximum number of participants that shall be allowed by the Planning Director shall not exceed 250. *(amended by MC16-144-15 12/1/15)*
- 14.C AGRICULTURAL EMPLOYER. Means any person who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed or nursery, or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports any migrant or seasonal agricultural worker. *(amended by MC16-127-13 3/19/13)*
- 14.D AGRICULTURAL WORKER, MIGRANT OR SEASONAL. As defined by the U.S. Department of Labor. *(amended by MC16-127-13 3/19/13)*
15. AIRPORT. A place where aircraft can land and takeoff, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers, including heliports.
18. ANIMAL LIVESTOCK SHELTER. Any facility operated, owned or maintained by a duly incorporated Humane Society, animal welfare organization, non-profit organization, or person for the purpose of providing for and promoting the welfare, protection and the humane treatment of livestock. Livestock does not include exotic animals or household pets as defined by Ordinance MC29-02 the 2002 Minnehaha County Animal Control Ordinance.
19. ANIMAL SHELTER. Any facility operated, owned or maintained by a duly incorporated Humane Society, animal welfare organization, non-profit organization, or person for the purpose of providing for and promoting the welfare, protection and the humane treatment of animals. *(amended by MC16-81-06)*
20. ANIMAL UNIT. A unit of measurement based on the amount of waste produced by the animal. For the purposes of this ordinance animal units (AU) shall be calculated according to the following chart. Animal units relate to inventory rather than annual production. Animal units are computed by multiplying the number of head of a particular animal times the corresponding animal unit

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equivalent . Other animal species equivalent which are not listed will be based on species’ waste production. *(amended by MC16-40-98)*

ANIMAL SPECIES	ANIMAL UNIT EQUIVALENT (AU/HEAD)
Feeder or Slaughter Cattle	1.0
Mature Dairy Cattle	1.4
Finisher Swine (over 55 lbs.)	0.4
Nursery Swine (less than 55 lbs.)	0.1
Farrow-to-Finish (sows)	3.7
Swine Production Unit (sows, breeding, gestating and farrowing)	0.47
Horses	2.0
Sheep	0.1
Turkeys	0.018
Laying Hens and Broilers (continuous overflow watering)	0.01
Laying Hens and Broilers (separate liquid handling system)	0.033
Ducks	0.2

- 21. ANIMAL WASTE, INCORPORATED. Animal waste applied to the land surface and mechanically mixed into the soil within 24 hours. *(amended by MC16-40-98)*
- 22. ANIMAL WASTE, INJECTED. Animal waste injected or tilled into the soil at the time of application. *(amended by MC16-40-98)*
- 23. ANIMAL WASTE, SURFACE APPLIED. Animal waste applied to the land surface without benefit of incorporation or injection. This shall not include the use of animal waste in irrigation waters. *(amended by MC16-40-98)*
- 24A. ANTENNA. Any device that radiates or captures electromagnetic wave signals, including digital voice and data signals, analog voice and data signals, video signals or microwave signals, and is mounted on a structure that allows freedom from obstruction for the radiation and capture of the electromagnetic signals. *(amended by MC16-65-03)*
- 24B. ANTENNA SUPPORT STRUCTURE. Any existing structure that supports communications facilities, such as but not restricted to, telecommunications and broadcast towers, buildings, clock towers, steeples and light poles. *(amended by MC16- 65-03)*
- 25. AQUIFER. A zone stratum or group of strata that can store and transit water in sufficient quantities for specific use.
- 26. AQUIFER, SHALLOW. Any aquifer having the following characteristics: *(amended by MC16-40-98)*

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- (1). The aquifer is within fifty (50) feet or less below the land surface with fifteen (15) feet or less of continuous, overlying, extremely low permeability material, such as clayey till or shale. Weathered till or highly fractured weathered shale is not an extremely low permeability for purposes of this ordinance; or
 - (2). The aquifer is greater than fifty (50) feet but less than one hundred feet (100) below the land surface with thirty (30) feet or less of continuous, overlying, low to extremely low permeability geological material that may be a combination of weathered and unweathered till, shale, or till and shale.
30. AUTOMOBILE SALES. The use of any building, land area, or their premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.
35. AUTOMOBILE SERVICE STATION. Shall mean any building or premise which provides for the retail sale of gasoline, oil, tires, batteries, and accessories for motor vehicles and for certain motor vehicle services, including washings, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting of automotive parts. Automobile repair work may be done at a service station provided that no rebuilding of engines, spray paint operations, or body or fender repair is permitted. Gasoline pumps and gasoline pump islands shall be located more than twelve (12) feet from the nearest property line.
40. AUTOMOBILE STORAGE YARD. The temporary storage of vehicles which are impounded, licensed, and operable, in an unroofed area.
45. BANNERS. A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame secured or mounted so as to allow movement of the sign caused by movement of the atmosphere; i.e. pennants, twirling signs, balloons, or other gas-filled figures, ribbons, or other similar moving devices.
50. BAR/LOUNGE. An establishment that is licensed to sell alcoholic beverages, including beer, by the drink.
55. BED AND BREAKFAST ESTABLISHMENT. A bed and breakfast accommodation may provide no more than ten bedrooms for guests (exclusive of the living quarters of the owner or operator). Guests at a bed and breakfast accommodation may stay up to fourteen consecutive days provided that the bed and breakfast accommodation may only offer a daily rate and shall not offer weekly or bi-weekly rates. A bed and breakfast accommodation may include kitchen and dining facilities to furnish meals for guests only. Food preparation within a guest bedroom is prohibited. A bed and breakfast accommodation may not include a restaurant, banquet facilities or similar services. (*amended by MC16-105-09 6/16/09*)

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60. BILLBOARD. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. Also, an off-premise sign.
65. BOARD OF COUNTY COMMISSIONERS. The governing body of Minnehaha County.
70. BOARDINGHOUSE. A building, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons.
75. [Reserved.] (*amended by MC16-65-03*)
80. BUILDABLE AREA. That portion of the lot that can be occupied by the principal use, thus excluding the front, rear and side yards.
85. BUILDING. Any structure, either temporary or permanent, forming an open, partially enclosed, or enclosed space constructed by a planned process of materials and components to be designated and used for the shelter or enclosure of any person animal or property of any kind. For the purpose of these regulations, retaining walls, concrete slabs, utility poles and fences are not considered structures. (*amended by MC16-73-05*)
90. BUILDING, DETACHED. A building surrounded by open space on the same lot.
95. BUILDING ELIGIBILITY. See 'eligible building site'.
100. BUILDING, HEIGHT OF. The vertical distance from the grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.
105. BUILDING LINE. Is a line on the lot running parallel to and the required horizontal distance from the nearest property line.
110. BUILDING, PRINCIPAL. A nonaccessory building in which is conducted the principal use of the lot on which it is located.
115. BUS/TRUCK TERMINAL. An area and building where buses, trucks, and cargo are stored; where loading and unloading are carried on regularly; and where minor maintenance of these types of vehicles is performed.
120. CAMPGROUND. A plot of ground consisting of two or more campsites where camping units can be located and occupied as temporary living quarters.
125. CATHODIC PROTECTION. A technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell; protection of a tank through the application of either galvanic anodes or impressed current.

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- 130. CHANGE OF USE. Substitution of one thing for another specifically regarding use of land or use of a building.
- 133. CO-LOCATION. The siting of multiple antennas on the same structure, monopole, lattice tower or specialty pole. *(amended by MC16-65-03)*
- 135. COMMERCIAL RECREATION FACILITY. A recreation facility operated as a business and open to the public for a fee.*(amended by MC16-40-98)*
- 137. CONCENTRATED ANIMAL FEEDING OPERATION. A lot, yard, corral, building or other area where animals have been, are, or will be stabled or confined for a total of 90 days or more during any 12 month period; and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot or facility. For the purpose of these regulations, a concentrated animal feeding operation is further defined as follows:
- 138. CONCENTRATED ANIMAL FEEDING OPERATION - EXISTING. An operation of at least 50 animal units which existed on May 26, 1998.
- 139. CONCENTRATED ANIMAL FEEDING OPERATION - NEW. An operation which did not exist prior to May 26, 1998. A new operation is further divided into the following classes:

ANIMAL UNITS	
Class A	2,000 or more
Class B	1,000 to 1,999
Class C	250 to 999
Class D	50 to 249
- 140. CONTAINMENT FACILITY, PRIMARY. The tank, pit, container, pipe, enclosure, or vessel of first containment of a regulated substance.
- 145. CONTAINMENT FACILITY, SECONDARY. A second level of containment outside the primary containment facility designed to prevent a regulated substance from reaching land or waters outside the containment area.
- 150. COMPREHENSIVE PLAN. The adopted long-range plan intended to guide the growth and development of the area, including analysis, recommendations and proposals of economy, housing, transportation, community facilities, and land use.
- 155. CONDITIONAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district, but which if controlled, would promote the public health, safety and welfare.
- 160. CONTAMINATION, AIR. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining or milling operation that increases ambient air radiation levels by 50 mrems from the background levels established prior to the commencement of such activity, measured at the perimeter of the mining or milling site or at the top of an exploration hole.

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165. CONTAMINATION, WATER. A concentration of any radioactive or toxic material which is a product, by-product, or otherwise associated with any exploration, mining or milling operation that exceeds the maximum contaminate levels established by the Federal Safe Drinking Water Act and regulations promulgated thereunder.
170. CONTRACTOR'S SHOP AND STORAGE YARD. Use of land or building(s) for storage and preparation of materials used by that same individual(s) in conducting the business of construction and repair work, generally completed at some other on-site location.
175. DAY CARE. The providing of care and supervision of a child or children as a supplement to regular parental care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.
180. DAY CARE, CENTER. Is normally in a facility used only for providing day care nursery or pre-kindergarten services, and is limited in number over twelve (12) by the square footage of useable space available. The ratio is presently thirty-five (35) square feet per child indoors and fifty (50) square feet per child outdoors.
185. DAY CARE, FAMILY. Care is done in a family home and the number of children cared for is limited to a maximum of six (6) children under fourteen. Included in that count are the providers' own children six years and under. See (Home Occupation).
190. DAY CARE, GROUP. Is normally in a family home. The number of children cared for is seven (7) to twelve (12) children under the age of fourteen including the provider's own children six years and under.
195. DENSITY. The number of families, individuals, dwelling units, or housing structures per unit of land.
200. DISTRICT. An area for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.
205. DWELLING. A building, or portion thereof, constructed in conformance with the Uniform Building Code, and used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, or lodging houses. This definition does not include a mobile home or manufactured home (see subsection 460).
210. DWELLING, SINGLE FAMILY. A building designed for or occupied exclusively by one family.
215. DWELLING, TWO FAMILY. A building designed for or occupied exclusively by two families.

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220. DWELLING, MULTIPLE. A building designed for or occupied exclusively by three or more families.
225. DWELLING UNIT. One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
230. ELECTRICAL SUBSTATION. A premises which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems. An electrical substation shall be secondary, supplementary, subordinate, and auxiliary to the main system.
235. ELIGIBLE BUILDING SITE (BUILDING ELIGIBILITY). A site which fulfills the requirements for the construction or placement of a residential dwelling or manufactured home. To compute the number of eligible building sites on a lot of record of forty acres or more, the total acreage of the parcel shall be divided by forty acres. The resulting whole number is the number of building sites eligible on the lot of record.
240. EXPLORATION. The act of searching for or investigating a mineral deposit. It includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development of extraction operations, and the building of roads, access ways, and other facilities related to such work. Any and all shafts, tunnels, or holes shall not exceed 18 inches in diameter unless the conditional use for exploration provides for a larger diameter. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration.
245. [Reserved.] *(amended by MC16-65-03)*
250. FAMILY. One or more individuals, related by blood or law, occupying a dwelling unit and living as a single household unit. A family shall not include more than three (3) adults who are unrelated by blood or law, in addition to persons actually related by blood or law the following persons shall be considered related by blood or law for the purposes of this ordinance: (1) A person residing with the family for the purpose of adoption; (2) Not more than six (6) persons under eighteen (18) years of age, residing in a foster home licensed or approved by a governmental agency; (3) Not more than four (4) persons nineteen (19) years of age or older residing with the family for the purpose of receiving foster care licensed or approved by a governmental agency; and (4) any person who is living with the family at the direction of a court.
255. [Reserved.] *(amended by MC16-40-98)*

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257. FARMER'S MARKET. An area where space is rented to individual vendors who grow farm products such as agricultural and horticultural goods, or who produce food specialty products such as baked goods, candies, jams, jellies, spices, condiments, cheeses, eggs, milk, honey, meats, fish and pasta. This definition does not include the sale of arts and crafts products. *(amended by MC16-105-09 6/16/09)*
260. FARMSTEAD. An area which existed on May 26, 1998 and encompasses a farm dwelling or dwellings and other agricultural buildings and structures devoted to and used in connection with a farming operation. A farmstead is generally bounded on one or more sides by a tree belt, is located on one or more quarter-quarter section parcels or equivalent area, and does not include crop land, hay land or pasture. *(amended by MC16-40-98)*
265. FLOOD INSURANCE RATE MAP (F.I.R.M.). An official map of Minnehaha County on which the Federal Insurance Administration has delineated the areas of flood hazard and their potential for flooding.
270. FLOOD PLAIN. A land area adjoining a river, creek, watercourse or lake which is likely to be flooded and which is designated as Zone A, A0 or A1-A30 on the F.I.R.M.
275. 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 to properties, water, and sanitary facilities, structures, and contents of buildings in a flood hazard area.
280. FLOOR AREA. The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement, or cellar when said space is used for storage or incidental uses.
282. FOWL. Birds of the order Galliformes gallus, the order Gallinaceous, and the order Anseriformes. *(amended by MC16-139-14)*
285. FREESTANDING SIGN (Ground Sign). A sign supported by one or more uprights, poles, or braces in or upon the ground and not attached to any building.
290. FRONTAGE. All the property on one side of a street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street, but not including property more than 400 feet distant on either side of a proposed building or structure.
295. GARAGE, PRIVATE. A detached accessory building or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

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300. GARAGE, PUBLIC. A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automobile body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.
305. GARAGE, STORAGE. Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles.
310. GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.
315. GROUND SIGN. See (Freestanding Sign).
320. GROUND WATER. Subsurface water that fills available openings in rock or soil materials such that it may be considered water saturated.
325. GROUP HOME. A supervised living or counseling arrangement in a family home context providing for the 24 hour care of children or adults.
330. HOME OCCUPATION, MINOR. A business, profession, occupation, or trade conducted for gain or support and located entirely within a dwelling, which use is accessory, incidental, and secondary to the use of the dwelling for residential purposes and does not change the essential residential character or appearance of such dwelling. *(amended by MC16-53-00)*
331. HOME OCCUPATION, MAJOR. A business, profession, occupation, or trade conducted for gain or support and located entirely within a dwelling, or accessory building thereto, which use is accessory, incidental, and secondary to the use of the property for residential or agricultural purposes and does not change the essential residential or agricultural character or appearance of such property. *(amended by MC16-53-00)*
335. HYDROLOGIC BALANCE. The relationship between the quality and quantity of inflow to and outflow from the storage in hydrologic units, such as a drainage base and aquifer, soil zone lake, or reservoir it encompasses, the quantity and quality relationships between precipitation, runoff, evaporation and the change in ground and surface water storage.
340. HYDROLOGIC REGIME. The entire state of water movement in a given area which is a function of the climate and includes the entire water cycle for the drainage area.

(Intersection Safety Zone see #679)

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342. JOINT ZONING JURISDICTION. The area outside a municipality where the Board of County Commissioners has granted to the municipality joint zoning powers with the County. *(amended by MC16-65-03)*
345. KENNEL. Any premise or portion thereon where dogs, cats, or other household pets are raised, trained, boarded, harbored, or kept for remuneration. Veterinary clinics, animal hospitals and animal shelters are specifically excluded.
347. [Reserved.] *(amended by MC16-18-94 and MC16-40-98)*
348. LIVESTOCK PRODUCTION SURPLUS WATER. That waste water resulting from an animal feeding operation which does not contain more than 2 percent solids nor more than 1 pound of nitrogen as N per 1000 gallons of water. Such water may include, but not be limited to, rain or snowmelt water from open feeding lots, wash water from a dairy operation, or flush water from a confined feeding operation. *(amended by MC16-40-98)*
350. LOADING SPACE. A space within the main building or on the same lot for the standing, loading, or unloading of trucks.
355. LOT. A parcel or tract of land having specific boundaries and which has been recorded in the Register of Deeds office. A lot used for residential purposes shall include only one main building together with its accessory buildings, open spaces and parking spaces required by these regulations and shall have its principal frontage upon a road or other approved access.
360. LOT AREA. The lot area is the area of a horizontal plane bounded by the front, side and rear lot lines. Public right-of-way shall not be considered part of the lot area.
365. LOT, CORNER. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
370. LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.
375. LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.
380. LOT, FRONTAGE. The length of the front lot line measured at the street right-of-way line.
385. LOT, INTERIOR. A lot other than a corner lot.
390. LOT LINE. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
395. LOT LINE, FRONT. The lot line separating a lot from a street right-of-way.

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400. LOT LINE, REAR. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In no case, shall any structure be closer than three feet to any residential lot line.
405. LOT LINE, SIDE. Any lot line other than a front or rear lot line.
410. LOT OF RECORD. Part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds, or a parcel of land the deed or agreement to convey to which was recorded in the office of said Register of Deeds prior to July 10, 1979.
415. LOT, WIDTH. The width of a lot at the front yard line.
420. MAIN BUILDING. See 'Principal Building'.
425. MAJOR STREET. Streets or roads which have been designated as freeways or arterial routes on the major street plan.
430. MANUFACTURING:
- 1). LIGHT MANUFACTURING. Those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building.
 - 2). GENERAL MANUFACTURING. Those manufacturing processes including light manufacturing which have the potential to be a nuisance due to dust, odor, noise, vibration, pollution, smoke, heat, glare, or the operation of the processes outside the building.
435. MAP, OFFICIAL ZONING. The map or maps, which are legally adopted as a part of the zoning regulations that delineate the boundaries of the zoning districts.
440. MILLING. The processing or enhancing of a mineral.
445. MINE DEWATERING DISCHARGE. Water that has been discharged from active or abandoned mines in areas affected by mineral exploration, mining and milling.
450. MINERAL. An inanimate constituent of the earth in a solid, liquid or gaseous state which, when extracted from the earth, is useable in its natural form as a metal, a metallic compound, a chemical, an energy source, or a raw material for manufacturing or construction material. For the purpose of these regulations, this definition does not include surface or subsurface water, geothermal resources, or sand, gravel and quarry rock.
455. MINERAL EXTRACTION. The removal of a mineral from its natural occurrence on affected land. The term includes, but is not limited to, underground and surface mining.

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460. MOBILE HOME/MANUFACTURED HOME. Any single-family permanent living quarters, more than eight (8) feet wide and thirty-two (32) feet in length, and designed and built to be towed on its own chassis.
465. MOBILE HOME PARK. A parcel or tract of land designed and maintained for the purpose of providing a location for mobile homes and manufactured homes as living quarters and where private roads provide access to individual lots. This definition shall specifically exclude sales lots for mobile homes, manufactured homes, travel trailers and similar operations.
470. MOTOR VEHICLE REPAIR SHOP. Any building or structure in which a business, service or industry involving the maintenance, servicing or repair of vehicles is conducted or rendered. This includes rebuilding of engines, spray paint operations and hourly repair.
475. MREM. One thousandth of a REM.
480. NEIGHBORHOOD UTILITY FACILITY. Telephone, electric, and cable television lines, poles, and equipment; water or gas pipes, mains and valves; sewer pipes and valves; lift stations; telephone exchanges and repeaters; and all other facilities and equipment (excluding buildings that exceed 120 square feet of roof area) necessary for conducting a service by a government or a public utility. This definition does not include an electrical substation.
485. NONCONFORMING BUILDING OR STRUCTURE. Any building or structure which does not comply with all of the regulations of this ordinance or any amendment hereto governing bulk for the zoning district in which such building or structure is located; or is designed or intended for a nonconforming use.
490. NONCONFORMING USE. A use of land, buildings, structures, or premises that lawfully existed prior to the adoption, revision, or amendment to this ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present use restrictions of the zoning district in which it is located.
495. NONSTANDARD USE. The category of nonconformance consisting of lots occupied by buildings or structures or uses which existed immediately prior to the effective date of this ordinance which fail to comply with any of the following: minimum lot requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this ordinance.
500. OFFICE OF PLANNING AND ZONING. The office designated by the Board of County Commissioners to administer and enforce this ordinance.
505. OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Goods, material, merchandise, or vehicles shall not include items

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listed, nor be of a nature as indicated in the definition of a salvage or junkyard as defined herein.

510. PARKING SPACE. An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street and permitting ingress and egress of an automobile.
515. PERMISSIVE USES. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
520. PERMITTED SPECIAL USE. A use allowed in a zoning district subject to the applicable restrictions of that zoning district and additionally subject to certain restrictions for that specific use.
525. PERSONAL SERVICES. Establishments primarily engaged in providing services involving the care of a person or their apparel. Including but not limited to: laundry or dry cleaning, garment services, coin operated laundry, photographic and art studios, beauty shop, barber shop, shoe repair, reducing salon and health club, and clothing rental.
530. PLANNING COMMISSION. The duly appointed planning board of the County responsible for reviewing and approving applications for development and preparation of plans and ordinances.
535. PLANNING DIRECTOR. The individual appointed by the Board of County Commissioners and designated to administer and enforce the zoning ordinance.
540. PORTABLE SIGN. Any sign not permanently attached to the ground or building.
545. PREMISES. A lot, parcel, tract or plot of land together with all buildings and structures thereon.
550. PRINCIPAL BUILDING. A building in which is conducted the primary or predominant use of the lot on which it is located.
555. PRINCIPAL USE. The primary or predominant use of any lot.
558. PRODUCE STAND. A produce stand is defined as a temporary or permanent structure used for the display and sale of agricultural products, not to include retail nursery operations. *(amended by MC16-105-09 6/16/09)*
560. PUBLIC UTILITY FACILITIES. See (Neighborhood Utility Facilities). The definition is the same as the Neighborhood except that buildings that exceed 120 square feet in roof area are allowable.
565. QUARTER-QUARTER SECTION. A quarter of a quarter section as determined by the United States Rectangular Land Survey land survey system shall be considered a quarter-quarter section for purposes of these regulations. For

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purposes of these regulations, rights-of-way for public or private transportation shall not impact the completeness of a quarter-quarter section.

570. RECHARGE CAPACITY. The ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.
572. RECREATION FACILITY. A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, either active or passive. Related functions such as changing rooms or restrooms, and maintenance may be housed in buildings or structures.
(amended by MC16-144-15 12/1/15)
575. REGULATED SUBSTANCE. A regulated substance shall include: pesticides and fertilizers, hazardous and toxic substances designated by the EPA thru any of the following; Clean Water Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response Compensation and Liability Act; petroleum and petroleum substances, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, additives used in refining oils and gasoline. This term does not include sewage and sewage sludge.
580. REM (ROENTGEN EQUIVALENT MAN). A measurement of the biological effects resulting from ionizing radiant energy where roentgen is the amount of radiation leading to the absorption of 88 ergs of energy per gram of air.
583. RESIDENTIAL DEVELOPMENT AREA. An area of land that is located in a residential zoning district; a residential subarea within a planned development zoning district; or a subdivision of five or more lots. *(amended by MC16-108-10 on 3/16/10)*
585. RETAIL SALES AND TRADE. Establishments engaged in selling products, goods or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including eating establishments, hotels, motels, repair shops, indoor amusement, copying services, health, professional, educational, and social services, and other miscellaneous services.
590. SALVAGE OR JUNK YARD. An open area where waste or scrap 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, bottles, and motor vehicles. This definition includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.
595. SANITARY LANDFILL. A site for the disposal of garbage and other refuse material.

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600. SETBACK/SETBACK LINE. That line that is the required minimum distance from any lot line that establishes the area within which the principal structure must be erected or placed.
603. SHOOTING/HUNTING PRESERVE. Any acreage, either privately owned or leased, on which hatchery raised game is released for the purpose of hunting, for a fee, over an extended season. *(amended by MC16-105-09 6/16/09)*
605. SIGN. Any object, device, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. This definition does not include national or state flags or their emblem or insignia, interior window displays, athletic scoreboards, or the official announcements or signs of government.
610. SIGN AREA. The area of the largest single face of the sign within the perimeter which forms the outside shape including any frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.
615. SIGN (OFF PREMISE). A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
620. SIGN (ON PREMISE). A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
624. SOLAR ENERGY CONVERSION SYSTEM (SECS). Any mechanism or device designed for the purpose of converting solar energy into electrical or mechanical power. *(amended by MC16-135-14 8/27/14)*
625. SOLID WASTE RECEIVING STATION. A facility where garbage and other refuse material is collected at a central location, compacted and then transported for disposal at a landfill site.
626. SPECIFIED ANATOMICAL AREAS. (1) Less than completely and opaquely covered (a) human genitals, pubic region; (b) buttock; and (c) female breast below a point immediately above the top of the areola. (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. *(amended by MC16-29-95)*
627. SPECIFIED SEXUAL ACTIVITIES. (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse, or sodomy; (3) fondling or other erotic touching or undraped human genitals, pubic region, buttock, or female breast. *(amended by MC16-29-95)*

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630. STABLE. Any premise or part thereon where horses or any equine animal are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.
635. STATIONARY TANK. An above ground tank which is fixed permanently in place on a foundation, rack, cradle, stilts or on the ground. The term does not include tanks mounted on wheels, trolleys, skids, pallets or rollers.
640. STORY. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
645. STREET. A public right-of-way which affords the principal means of access to abutting property. Also referred to a road or highway.
650. STREET LINE. The line between the public right-of-way and private property.
655. STRUCTURE. A combination of material(s) constructed, erected or placed on, above or below the surface of land or water for use, occupancy or ornamentation. For the purpose of these regulations, retaining walls, concrete slabs and utility poles are not considered structures. *(amended by MC16-85-06)*
660. SUBDIVISION. The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building developments (whether immediate or future). This term includes resubdivision and, when appropriate to the context, is related to the process of subdividing or to the land subdivided.
665. SURFACE IMPOUNDMENT. A facility, or part of a facility which is a natural topographic depression, man-made excavation, or dike area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.
- 667A. TOWER, BROADCAST. A structure, not including offices or studio, for the transmission or broadcast of radio, television, radar, or microwaves. *(amended by MC16-65-03)*
- 667B. TOWER, GUYED LATTICE. A vertical support structure consisting of a network of crossed metal braces forming a tower which may be three, four, or more sided, requiring support cables or guyed wires. Typically the structure is the same width from bottom to top. *(amended by MC16-65-03)*
- 667C. TOWER, HEIGHT. The vertical distance above grade to the highest point of the tower, including the base pad and any antenna. *(amended by MC16-65-03)*
- 667D. TOWER, MONOPOLE. A vertical support structure consisting of single vertical metal, concrete or wooden pole, pipe, tube or cylindrical structure, typically

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polygon, round or square, and planted into the ground or mounted upon or attached to a foundation. *(amended by MC16-65-03)*

- 667E. TOWER, SELF SUPPORT LATTICE. A vertical support structure consisting of a network of crossed metal braces forming a tower which may be three, four, or more sided. Typically constructed with a wide base which gradually narrows toward the top. *(amended by MC16-65-03)*
- 667F. TOWER, TELECOMMUNICATIONS. A self support lattice, guyed lattice, or monopole structure which supports communications facilities. The term includes new and existing towers that are used for services such as microwave, common carrier, cellular telephone, personal communication services, two-way radio paging, and other similar services. The term telecommunications tower does not include amateur radio operators' equipment, as licensed by the Federal Communications Commission. *(amended by MC16-65-03)*
670. TRAILER. Means any of the following:
- 1). TRAVEL TRAILER. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses. permanently identified "travel trailer" by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty (30) feet.
 - 2). PICK-UP COACH. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
 - 3). MOTOR HOME. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 - 4). CAMPING TRAILER. A canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation use.
675. TRUCK STOP. Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similiar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities.
677. UNSAFE SIGN. A sign on which the display area or structure has deteriorated due to rust, rotting, or physical damage to the point where any portion of the sign has the potential to fall shall be considered unsafe. *(amended by MC16-19-94)*
678. UNSIGHTLY SIGN. A sign which has deteriorated to the point where at least one-fourth of the display area is no longer clearly recognizable at a distance of twenty feet; or where the paint is peeling, chipping or flaking from the structure shall be considered an unsightly sign. *(amended by MC16-19-94)*
679. INTERSECTION SAFETY ZONE TRIANGLE. A triangular area on corner properties within which the placement of certain structures, materials and the like are imposed under the provisions of this ordinance. *(amended by MC16-19-07)*

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680. VEHICLE. A vehicle shall include, but not be limited to, any motor vehicle which is designed to be driven, and which is self-propelled, or is intended to be self-propelled. This definition shall also include all vehicles, whether or not self-propelled, that are intended to be attached, pulled or fixed to a vehicle. *(amended by MC16-108-10 on 3/16/10)*
681. VEHICLE AND EQUIPMENT, AGRICULTURAL. Any tool, implement, piece of equipment or machinery that is presently used in an agricultural operation or which is used in the regular or ongoing maintenance of the property; which includes but is not limited to equipment used for planting, harvesting, spraying, fertilizing, haying, livestock and manure handling, and other farming functions, or for property maintenance. *(amended by MC16-108-10 on 3/16/10)*
682. VEHICLE AND EQUIPMENT, COMMERCIAL. A commercial vehicle and equipment is defined as any of the following:
1. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire or has commercial vehicle identification.
 2. Vehicles including but not limited to any solid waste collection vehicle, semi-tractor, semi-trailer, dump truck, concrete mixer truck, box truck, towing or recovery vehicle, and any construction equipment whether located on the ground or on a truck, trailer, or semi-trailer.
 3. Any vehicle having three or more axels, or exceeding twenty-two feet in length.
 4. Any vehicle or equipment that has a gross vehicle weight of more than 10,000 pounds.
 5. Any equipment or trailer (open or closed) which is towed by another commercial vehicle.
- (amended by MC16-108-10 on 3/16/10)*
683. VEHICLE, RECREATIONAL. Any vehicle designed for, used or capable of use for sport or recreation, whether or not eligible to be licensed for use upon streets and highways, including but not limited to campers, pickup campers, tent trailers, and motor homes, boats and boat trailers, snowmobiles, motor bikes, or all terrain vehicles, but excluding vehicles designed for commercial, industrial or agricultural use. *(amended by MC16-108-10 on 3/16/10)*
684. WAREHOUSE. A building used primarily for the storage of goods and materials. *(amended by MC16-108-10 on 3/16/10)*
685. WASTE. Any garbage, refuse, manure, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended to January 1, 1986, or source,

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special nuclear or by-product materials as defined by the Atomic Energy act of 1954, as amended to January 1.

690. WATER TABLE. The upper surface of a zone of saturation where the body of ground water is not confined by an overlying impermeable zone.
695. WATER SOURCE PROTECTION AREA. A geographical area overlying a geologic formation, group of formations or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use. Any deposition of sand and gravel that is connected to water bearing strata or is not isolated.
700. WHOLESALE MERCHANDISING/TRADE. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
705. WIND ENERGY CONVERSION SYSTEM(WECS). Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power.
- 705A. ACCESSORY WECS. A WECS which is an accessory use to the principal use of the site, in that the power production is no more than twice the annual site need.
(amended by MC16-19-07)
- 705B. COMMERCIAL WECS. More than one WECS which are the principal use of the site. *(amended by MC16-19-07)*
- 705C. WECS TOTAL HEIGHT. The height of the tower and the furthest vertical extension of the WECS. *(amended by MC16-19-07)*
- 705D. WECS TOWER. The primary structural support of the WECS. *(amended by MC16-19-07)*
710. [Reserved.] *(amended by MC16-55-01)*
715. YARD, FRONT. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
717. YARD LINE. See (Building Line). *(amended by MC16-55-01)*
720. YARD, REAR. A yard extending the full width of the lot between a principal building and the rear lot line.
721. YARD, REQUIRED FRONT. The required front yard shall extend across the front of a lot between the property lines. There shall be a required front yard on each street side of a corner lot. The required front yard with the smallest required

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front yard may be referred to as the side-street-side front yard. *(amended by MC16-55-01)*

722. YARD, REQUIRED REAR. The required rear yard shall extend across the rear of a lot between the property lines. On corner lots, the required rear yard may be to the rear of either street. On interior lots, the required rear yard shall, in all cases, be at the opposite end of the lot from the front yard. *(amended by MC16-55-01)*
723. YARD, REQUIRED. A required yard shall mean the required open space between a property line and a building line. The open space shall be unoccupied and unobstructed from the ground upwards except as otherwise provided in this ordinance. *(amended by MC16-55-01)*
724. YARD, REQUIRED SIDE. The required side yard shall extend between the required front yard line and the required rear yard line. There shall only be one required side yard on a corner lot. *(amended by MC16-55-01)*
725. YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
730. ZONING DISTRICT. A specifically delineated area within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.
735. ZONING PERMIT. A document signed by the Planning Director or an authorized representative as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a building, which acknowledges that such use or building complies with the provisions of the zoning regulations or an authorized variance therefrom.