

# CHAPTER 2. DEFINITIONS

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### 📖 Section 200 - Definitions

**200.01 Definitions.** For the purpose of these Zoning Regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**200.01.1.** “Accessory structure or use” shall mean a structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure or use.

**200.01.2.** “Adult use, accessory” shall mean the offering of goods and/or services classified as printed matter and/or video tapes on a limited scale that is incidental to the primary business activity in the establishment and where such items occupy no more than (1) 10% of the floor space of the establishment dedicated to retail sales or 100 square feet, whichever is less; and (2) 10% of the wall space of the establishment that is dedicated to retail sales or 100 square feet, whichever is less.

**200.01.3.** “Agricultural uses” shall mean those uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub or flower nursery without building; truck gardening; and roadside stand for sale in season of products grown on the premises.

**200.01.4.** “Alley” shall mean a public or private way affording only secondary means of access to abutting property.

**200.01.5.** “Association” shall mean any establishment lawfully and legally organized and operated for social, recreational or educational purposes but open only to members and not to the general public.

**200.01.6.** “Automobile repair - Major” shall mean general repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

**200.01.7.** “Automobile repair - Minor” shall mean minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not including any operation specified under “Automobile repair - Major.”

**200.01.8.** “Automobile wrecking or junk yard” shall mean any place where two or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such

motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

**200.01.9.** “Basement” shall mean a story having part but not more than 1/2 its height below grade. A “basement” is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by others than a janitor employed on the premises.

**200.01.10.** “Beds of public waters” shall mean all portions of public waters located below the ordinary high water mark.

**200.01.11.** “Board” shall mean the Board of Appeals and Adjustments established by this code.

**200.01.12.** “Buildable area” shall mean the space remaining on a lot after minimum yard and setback requirements have been met.

**200.01.13.** “Building” shall mean any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind; and when separated by dividing walls, without openings, each portion of such building, so separated, shall be deemed a separate “building.”

**200.01.14.** “Building height” shall mean the vertical distance from the grade at a building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

**200.01.15.** “Church or synagogue” includes the following: church, synagogue, rectory, parish house or similar building incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.

**200.01.16.** “Clinic” shall mean a place used for the case diagnosis and treatment of persons who are not provided with board or room nor kept overnight on the premises.

**200.01.17.** “Clear cutting” shall mean the removal of an entire stand of trees.

**200.01.18.** “Comprehensive Municipal Plan” shall mean a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality, and of its environment, and may include but is not limited to the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for planned executions.

**200.01.19.** “Condominium” shall mean a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject the provisions of the Minnesota Condominium Law, M.S. Sections 515.01 to 515.19, as may be amended from time to time.

**200.01.20.** “Convenience food establishment” shall mean an establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

**200.01.21.** “Coverage” shall mean that portion of a lot covered by principal and accessory use structures.

**200.01.22.** “Day care center” shall mean a service provided to the public, in which children of school or preschool age are cared for during established business hours, where no overnight facilities are provided.

**200.01.23.** “Design standards” shall mean the specifications required in this code for landowners, developers or subdividers.

**200.01.24.** “Developer” shall mean any person who owns or controls land which is to be developed.

**200.01.25.** “District” shall mean any section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class permitted therein.

**200.01.26.** “Dwelling” shall mean any structure designed or used as the living quarters for one family which:

**200.01.26.1.** Is constructed in conformance with M.S. Sections 327.31 to 427.35, as may be amended from time to time, or in conformance with the Hermantown Building Code;

**200.01.26.2.** Is at least 22 feet wide, measured from the outside of the exterior walls, over at least 75% of its length;

**200.01.26.3** Has a minimum finished floor area at or above the lot grade on one floor of 792 square feet. The determination of what constitutes on floor shall be made in accordance with the Hermantown Building Code. “Lot grade,” for purposes of this section, means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the side lot lines, or, when the side lot line is more than five feet from the building, between the building and a line five feet from the building. “Finished floor area,” for purposes of this section, means those portions of a dwelling which have the walls and ceiling completely covered with plaster, paneling, drywall, tile or similar materials and floors completely covered with hardwood, carpeting, tiles or some similar material. All drywall material shall be completely taped and painted. No portion of finished floor area shall consist of exposed concrete, concrete blocks, studs or joists, whether painted or not. Finished floor area may include bedrooms, family rooms, dens and similar areas, but shall not include areas devoted to uses accessory to the operation of the dwelling, including but not limited to furnace rooms, laundry rooms, storage rooms and workshops; and

**200.01.26.4.** Is placed on and attached to a permanent full perimeter foundation meeting the requirements of the Hermantown Building Code; provided, however, that any so-called “floating slab on grade foundation” or any so-called “pier and post” foundation system shall be reviewed and certified to by a structural engineer competent in soil mechanics licensed and certified by the State of Minnesota.

**200.01.27.** “Dwelling, multiple family (apartment)” shall mean a building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other but sharing hallways and main entrances and exits.

**200.01.27A** “Dwelling, resident security guard or caretaker” shall mean a dwelling unit located on the site of a non-residential use and occupied by a caretaker or a guard employed on the premises, and consisting of only one residence per permitted establishment. A dwelling for a resident security guard or caretaker may not be an accessory structure and must be part of a permanent structure located or utilized for its proposed use.

(Am. Ord. 2012-04, passed 5-21-12)

**200.01.28.** “Dwelling, seasonal or recreational” shall mean a dwelling utilized for recreational purposes, which is not the principal place of residence of the owner.

**200.01.29.** “Dwelling, single family” shall mean a dwelling unit designed exclusively for occupancy by one family.

**200.01.30.** “Dwelling, two family” shall mean a dwelling designed exclusively for occupancy by two families living independently of each other including:

**200.01.31.1.** “Double bungalow” shall mean a two-family dwelling with two units that each constitute a dwelling side by side.

**200.01.31.2.** “Duplex” shall mean a two-family dwelling with one unit that constitutes a dwelling (except for the satisfaction of [200.01.26.3.](#) or [200.01.26.4.](#) in the definition of dwelling) that is physically located above another unit that constitutes a dwelling.

**200.01.32.** “Dwelling unit” shall mean one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes.

**200.01.33.** “Equal degree of encroachment” shall mean a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**200.01.34.** A “family” is:

**200.01.34.1.** An individual, or a group of persons related by blood, marriage, foster children or adoption, living together as a single housekeeping unit; or

**200.01.34.2.** A group of not more than four persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.

**200.01.35.** “Filling” shall mean the act of depositing any rock, soil, gravel, sand or other material for the purpose of permanently adding such rock, soil, gravel, sand or other material to the surface of the land.

**200.01.36.** “Flood; flood frequency; flood fringe; floodplain; flood-proofing; floodway” shall mean as set forth in [Chapter 15](#), Floodplain Management Regulations, of these Zoning Regulations.

**200.01.37.** “Frontage” shall mean the length of the front property line of a lot or tract of land abutting a public right-of-way.

**200.01.38.** “Garage, private” shall mean an accessory building designed or used for the storage of motor driven vehicles.

**200.01.39.** “Garage, public” shall mean a building or portion thereof, other than private garage, designed or used primarily for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

**200.01.40.** “Grading” shall mean changing the normal or existing topography of land.

**200.01.41.** “Ground signs” within the meaning of this chapter means any sign exceeding ten square feet in area, supported by uprights or braces placed upon the ground.

**200.01.42.** “Head Shop” shall mean any retail establishment open to the public that advertises, displays, or offers for sale, transfer, or barter:

**200.01.42.1** Controlled Substances, as is defined by Minnesota Statutes § 152.01, subd. 4 (2013), as it may be amended from time to time;

**200.01.42.2** Analog, as defined by Minnesota Statutes § 152.01, subd. 23 (2013), as it may be amended from time to time; or

**200.01.42.3** Drug Paraphernalia, as is defined by Minnesota Statutes § 152.01, subd. 18 (2013), as it may be amended from time to time, regardless of whether it might also be possible to use Drug Paraphernalia for a lawful purpose.

(Am. Ord. 2013-10, passed 10-12-13)

**200.01.43.** “Hotel” shall mean a building in which lodging with or without meals is provided and offered to transient guests.

**200.01.44.** “Housing with services establishment” shall mean a facility licensed and defined by the Minnesota Department of Health under Minnesota Statutes 144D that provides sleeping accommodations to one or more adult residents and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment.

(Am. Ord. 2014-01, passed 3-17-14)

**200.01.45.** “Impervious surface” shall mean an artificial or natural surface through which water, air or roots cannot penetrate.

**200.01.46.** “Junk or salvage yard” shall mean any establishment, place of business or place of storage or deposit, which is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts, whether maintained in connection with another business or not, where the waste, body or discarded material stored is equal in bulk to two or more motor vehicles, and which are to be resold for used parts or old iron, metal, glass or other discarded material.

**200.01.47.** “Kennel” shall mean an establishment where three or more animals are bred for sale, boarded, trained or offered for sale.

**200.01.48.** “Livestock” shall mean domesticated hooved mammals commonly kept for agricultural purposes such as horses, cows, and llamas, except for Small Farm Animals.

**200.01.49.** “Loading space, off-street” shall mean space reserved for bulk pickups and deliveries, intended to be used by vehicles when required off-street parking spaces are otherwise unavailable. Required “off-street loading space” shall not be included as off-street parking space in the computation of required off-street parking spaces.

**200.01.50.** “Lot” shall mean a piece, parcel or plat of land occupied or capable of being occupied by one or more structures and intended as a unit for transfer of ownership.

**200.01.51.** “Lot, depth” shall mean the shortest horizontal distance between the front lot line and the rear lot line, measured from a 90-degree angle from the street right-of-way.

**200.01.52.** “Lot Line” shall mean a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street, the “lot line” shall be deemed to be the street or alley right-of-way.

**200.01.53.** “Lot line, corner” shall mean the boundary of a lot which is abutting a street right-of-way where the lot abuts upon two or more streets at their intersection and which is not a lot line, front.

**200.01.54.** “Lot line, front” shall mean the boundary of a lot abutting a public street right-of-way. For purposes of this code, in the case of a corner lot, the front shall be the lot side having the shortest dimension on a public street. If the dimensions of a corner lot are within 10% of being equal, the owner may select either street lot line as the front lot line.

**200.01.55.** “Lot line, rear” shall mean the boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, connecting the side lot lines and parallel to the front lot line.

**200.01.56.** “Lot line, side” shall mean any boundary of a lot that is not a front lot line or a rear lot line.

**200.01.57.** “Lot width” shall mean the minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum building setback line.

**200.01.58.** “Lot of record” shall mean a parcel of land which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder or Registrar of Titles of St. Louis County or a parcel of land otherwise legally described, the description of which has been recorded in the office of the County Recorder, Registrar of Titles or Auditor of St. Louis County.

**200.01.59.** “Lot, minimum area of” shall mean the area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**200.01.60.** “Measured distance” shall mean all measured distances shall be to the nearest integral foot. If a fraction is ½ foot or less, the integral foot next below shall be used. Measurements between or up to buildings shall be taken to the nearest point of the vertical building wall.

**200.01.61.** “Mobile home” shall mean a factory-built structure equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation. “Mobile home” does not include motor vehicles as defined in M.S. Section 169.01, Subd. 3, as it may be amended from time to time, or recreational camping vehicles as defined in M.S. Section 327.14, Subd. 7, as it may be amended from time to time.

**200.01.62.** “Mobile home development” shall mean a tract or parcel of land subdivided into individual lots of record pursuant to the provisions of this code. Such development shall be for the exclusive use of permanent mobile homes or mobile homes.

**200.01.63.** “Mobile home park” shall mean any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

**200.01.64.** “Motel” shall mean a series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

**200.01.65.** “Motel/motor hotel” shall mean a building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, 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 transient guests traveling by automobile.

**200.01.66.** “Non-conforming lot” shall mean a lot of record created prior to the adoption of provisions prohibiting such lot from being utilized as a building site.

**200.01.67.** “Non-conforming structure” shall mean any structure designed, converted or adopted for a use prior to the adoption of provisions prohibiting such structure or use in such location.

**200.01.68.** “Non-conforming use” shall mean any use of a structure or land or arrangement of land and structures legally existing prior to the adoption of any provisions prohibiting such use.

**200.01.69.** “Obstruction” shall mean any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

**200.01.70.** “Office uses” shall mean those commercial activities that take place in office buildings, where goods are not produced, sold or repaired. These include banks, general offices, governmental offices, insurance offices, personal loan agencies, professional offices, real estate offices, taxicab offices, but not taxi stands, travel agency or transportation ticket offices or telephone exchange offices.

**200.01.71.** “Off-street loading space” shall mean a space accessible from the street, alley or driveway for use while loading or unloading merchandise or materials.

**200.01.72.** “Ordinary high water mark” shall mean a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The “ordinary high water mark” is commonly that point where natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the “ordinary high water mark” shall be considered to be the elevation at the top of the bank of the channel.

**200.01.73.** “Parking spaces” shall mean an area, enclosed or unenclosed, sufficient in size to store one motor vehicle, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

**200.01.74.** “Permanent foundation” shall mean one so constructed as to be not readily dismantled, and its removal will result in destruction of all or a portion of its component parts. The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the structure thereon will be moved from time to time.

**200.01.75.** “Permitted use” shall mean a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards of such district or districts.

**200.01.76.** “Person” shall mean an individual, firm, partnership, association, corporation or organization of any kind.

**200.01.77.** “Planned Unit Development” shall mean a tract of land which will contain two or more principal structures developed under unified ownership or control, the development of which may be unique and of a substantially different character than that of the surrounding area.

**200.01.78.** “Premises” shall mean a lot, together with all buildings and structures existing thereon.

**200.01.79.** “Principal use” shall mean the main use of land or buildings as distinguished from subordinate or accessory uses. A “principal use” may be either permitted, special use or a use permitted with a commercial-industrial development permit.

**200.01.80.** “Project site” shall mean the property covered by the Commercial- Industrial Development Permit that was issued for the project.

**200.01.81.** “Public waters” shall mean any waters of the City of Hermantown which serve a beneficial public purpose, as defined in M.S. Section 105.37, Subd. 6, as it may be amended from time to time. However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purposes of this chapter. 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 of Natural Resources of the State of Minnesota shall be exempt from the provisions of this chapter.

**200.01.81.1.** The official determination of the size and physical limits of the drainage areas of rivers and streams shall be made by the Commissioner of Natural Resources of the State of Minnesota.

**200.01.81.2.** The official size of lakes, ponds or flowages shall be the area listed in the Division of Waters’ Bulletin 25, *An Inventory of Minnesota Lakes*, or in the event that lakes, ponds or flowages are not listed therein, official determination of size and physical limits shall be made by the Commissioner of the State of Minnesota in cooperation with the City of Hermantown.

**200.01.82.** “Reach” shall mean a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a “reach.”

**200.01.83.** “Recreation area” shall mean an area of land, water or any building in which amusement, recreation or athletic sports facilities are provided for public or semi-public use, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus, gymnasium and campground are “recreation areas” for the purpose of this code.

**200.01.84.** “Recreational vehicle” shall mean a mobile vehicle including boats used for recreational purposes, capable of being towed, carried or being self-propelled.

**200.01.85.** “Regional flood; regulatory flood protection elevation,” see [Chapter 15](#), Floodplain Management Regulations, of these Zoning Regulations.

**200.01.86.** “Residential care facility” shall mean a facility licensed and defined by the Minnesota Department of Health (the State) in which residents live in a group setting. Residential facilities licensed by the State include: nursing homes, board care homes, supervised living facilities, group homes, board and lodging facilities with special services, hospices, and adult foster care homes.

(Am. Ord. 2014-01, passed 3-17-14)

**200.01.87.** “Right-of-way” shall mean a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use.

**200.01.88.** “Roadside stands” shall mean retail outlets with all related structures primarily for sale of farm produce grown on the farm upon which such stand is located.

**200.01.89.** “Setback” shall mean the distance from the centerline or right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.

**200.01.90.** “Self-service” shall mean a self-service fueling station for cars and light trucks operated in conjunction with a convenience store that sells groceries and miscellaneous items at retail. The building area for the convenience store shall not exceed 1,000 square feet and may have no more than three full-time employees working on the premises at any one time. Facilities for the repair, maintenance or washing of automobiles shall not be located on the premises.

**200.01.91.** “Shopping center” shall mean a group or groups of three or more commercial establishments developed in accordance to an overall plan and designed and built as in interrelated project.

**200.01.92.** “Shoreland” shall mean land located within the following distances from public waters:

**200.01.92.1.** One thousand feet from the ordinary high water mark of a lake, pond or flowage;

**200.01.92.2.** Three hundred feet from a river or stream; and

**200.01.92.3.** The landward extent of a floodplain designated by this code on such river or stream, whichever is greater.

**200.01.93.** “Small Farm Animals” shall mean domesticated honeybees, geese, ducks, female chickens, pigeons, female goats, female sheep, rabbits, and pot-bellied pigs.

**200.01.94.** “Small Scale Agricultural Activities” shall mean the keeping of Small Farm Animals as an Accessory Use on single family residential premises within the City.

**200.01.95.** “Street” shall mean the entire width between property lines of a way or place dedicated, acquired or intended for the purpose of public use for vehicular traffic or access other than an alley.

**200.01.96.** “Structure” shall mean anything constructed or erected on the ground, including but not limited to walls, fences, driveways, signboards, billboards, buildings, factories, sheds, detached garages, cabins, mobile homes and other similar items.

(Ord. 2005-10, passed 6-6-2005) (Am. Ord. 2015-08, passed 8-17-2015)

**200.01.96.** “Structural alterations” shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**200.01.97.** “Subdivision” shall mean the division of a tract of land into two or more parcels, tracts, lots or long-term leasehold interests for the purpose of transfer of ownership or building development; provided that the following shall not be deemed a “subdivision:”

**200.01.97.1.** In any S-1 Zone District, the division of a tract of land is not a “subdivision” if:

**200.01.97.1.1.** All resulting parcels are five acres or more with a minimum lot width at the roadway of 300 feet;

**200.01.97.1.2.** All resulting parcels have uniform size and dimension (rectangular); no flag-shaped parcels or gerrymandered parcels are allowed except with a variance. The decision as to what constitutes a flag-shaped lot shall be made by the Zoning Official, subject to appeal to the Board of Appeals and Adjustments pursuant to the provisions of Section [350](#) of this code;

**200.01.97.1.3.** All resulting parcels are surveyed by a registered land surveyor;

**200.01.97.1.4.** The entire frontage of all the resulting parcels abut on a street that has been officially accepted by the City of Hermantown or other governmental body with a jurisdiction over such street;

**200.01.97.1.5.** The legal descriptions of all resulting parcels are approved by the City Engineer’s office;

**200.01.97.1.6.** All of the resulting parcels meet the minimum area and width requirements and all other applicable zoning regulations and no non-conforming lots or parcels are created by or result from split;

**200.01.97.1.7.** If more than one split is foreseeable or more than ten acres are in the tract to be subdivided, the party requesting the division provides a master development plan. If a need exists, platting can be required if determined to be appropriate by the Zoning Official;

**200.01.97.1.8.** The City, by and through the Zoning Official, as a condition to approving the division of the tract of land pursuant to this [200.01.93.1](#), may require a public road easement as follows:

**200.01.97.1.8.1.** If a dedicated half-street exists adjacent to the tract desired to be subdivided, the other half of the street shall be dedicated within such tract.

**200.01.97.1.8.2** A temporary easement may be required when any of the resulting parcels abut a dead-end street for the purpose of a turn-around until the street is extended so that it intersects with another street.

**200.01.97.1.8.3.** The easement is necessary in the relation to existing streets in surrounding areas or in order to prevent interior property from being landlocked.

**200.01.97.8.1.4.** The development of the resulting parcels will preclude development of interior parcels of land.

**200.01.97.1.9.** The lot acreage for determining whether any of the resulting parcels satisfies the area requirements of the Zoning Code will include unplatted road right-of-way, except for any roadway easements provided pursuant to [200.01.93.1.8](#) hereof.

**200.01.97.2.** In any R-1 Zone District, the division of a tract of land is not a “subdivision” if:

**200.01.97.2.1.** All of the resulting parcels have uniform size and dimensions (rectangular); no flag-shaped parcels or gerrymandered parcels are allowed except with a variance. The decision as to what constitutes a flag-shaped lot shall be made by the Zoning Official, subject to appeals to the Board of Appeals and Adjustments pursuant to Section [350](#) of these Zoning Regulations of the Hermantown City Council;

**200.01.97.2.2.** All the resulting parcels are surveyed by a registered land surveyor;

**200.01.97.2.3.** The entire frontage of all of the resulting parcels abuts on a street that has been officially accepted by the City of Hermantown or other governmental body with a jurisdiction over such streets;

**200.01.97.2.4.** The legal descriptions of all of the resulting parcels are approved by the City Engineer’s office;

**200.01.97.2.5.** All the resulting parcels meet the minimum area and width requirements and all other zoning regulations applicable and no non-conforming lots or parcels are created by or result from such split;

**200.01.97.2.6.** If more than one split is foreseeable or the tract involved contains more than five acres, the party requesting the approval of the division provides a master development plan. If a need exists, platting can be required, if determined appropriate by the Zoning Official;

**200.01.97.2.7.** The City, by and through the Zoning Official, as a condition to approving the division of a tract of land pursuant to this [200.01.93.2.](#), may require a public road easement be provided if:

**200.01.97.2.7.1** A dedicated half-street exists adjacent to the tract desired to be subdivided, the other half of the street shall be dedicated within such tract;

**200.01.97.2.7.2.** A temporary easement may be required when any of the resulting parcels abuts a dead-end street for the purpose of a turn-around until such street is extended so that it intersects with another street;

**200.01.97.2.7.3.** The easement is necessary in the relation to existing streets in surrounding areas or in order to prevent interior property from being landlocked; and/or

**200.01.97.2.7.4.** The development of any of the resulting parcels to be split will preclude development of interior parcels of land.

**200.01.97.2.8.** The lot acreage for determining whether any of resulting parcels satisfies the area requirements of the Zoning Code will include unplatted road right-of-way, except for any roadway easements provided pursuant to [200.01.93.2.7.](#)

**200.01.97.3.** In any R-3 Zone District, the division of a tract of land is not a “subdivision” if:

**200.01.97.3.1.** All of the resulting parcels abut on a street or road duly accepted by the City of Hermantown or other governmental body with jurisdiction over such street or road;

**200.01.97.3.2.** All of the resulting legal descriptions are approved by the City Engineer’s office;

**200.01.97.3.3.** All of the resulting parcels are of uniform size and dimensions (rectangular). No flag-shape parcels or gerrymandered parcels are allowed except with a variance;

**200.01.97.3.4.** A survey of all of the resulting parcels by a registered land surveyor is required;

**200.01.97.3.5.** If more than one division is foreseeable or the original tract contains more than two acres, the party requesting approval of the division must provide a master development plan. If need exists, platting can be required if determined appropriate by the Zoning Official;

**200.01.97.3.6.** The City, by and through the Zoning Official, as a condition to approving the division of a tract of land pursuant to this [200.01.93.3.](#) of a lot or lots, may require a public road easement as follows:

**200.01.97.3.6.1.** If a dedicated half-street exists adjacent to the tract desired to be subdivided, the other half of the street shall be dedicated within such tract.

**200.01.97.3.6.2.** A temporary easement may be required when any of the resulting parcels abut a dead-end street for the purpose of a turn-around until such street is extended so that it intersects with another street.

**200.01.97.3.6.3.** When the easement is necessary in relation to existing streets in the surrounding areas or in order to prevent interior property from being landlocked.

**200.01.97.3.6.4.** The development of any of the resulting parcels will preclude development of interior parcels of land.

**200.01.97.3.7.** Lot acreage for determining whether the resulting lot satisfies the area requirements of the Zoning Code does not include road right-of-way.

**200.01.97.3.8.** All of the resulting parcels meet the minimum area and width requirements and all other applicable zoning regulations and no non-conforming lots or parcels are created by or result from such split.

**200.01.97.4.** The division of land in a C, C-1, M-1 or M-2 Zone District shall be a subdivision and platting may be required as a condition to any Commercial Industrial Development Permit if factors described in [200.01.93.1.](#), [200.01.93.2.](#) and [200.01.93.3.](#) of this definition of “Subdivision” for other zone districts would result in a plat being beneficial or required by the Zoning Official or Planning and Zoning Commission.

**200.01.97.5.** The division of a tract of land for the purpose of adding land to an adjoining parcel of property for all purposes and the parcel conveyed is assigned the same CVT-Plat-Parcel real estate tax number as the property to which the conveyed property is added.

**200.01.97.6.** For purposes of this definition of “Subdivision,” “Master Development Plan” shall mean a plat sketch drawn to scale that shows the entire original parcel, any anticipated future parcel splits, any wetlands, waterways or creeks on the entire original parcel, any road or utility easements or rights-of-way on or adjoining the original parcel and the planned access to all of the parcel splits for roadway (minimum 66 foot right-of-way) and utilities (minimum 20 foot easement). Such plat sketch shall be signed by the person preparing it and dated as of the date of preparation. Although not required, developers are encouraged to obtain the assistance of the land surveyor that surveys the parcels of property in preparing the Master Development Plan.

**200.01.98.** “Thoroughfare” shall mean an actual street.

**200.01.99.** “Townhouse” shall mean single family attached units in structures having three or more continuous dwelling units, sharing a common wall, each having separate and individual front and rear entrances; the structure built as a row-house type as distinguished from multiple dwelling apartment buildings.

**200.01.100.** “Trailer” shall mean every vehicle without motive power designed or used for carrying persons or property and for being drawn by a motor vehicle.

**200.01.101.** “Usable open space” shall mean a ground area on a lot that is graded, developed, landscaped or equipped or intended and maintained for recreation or leisure, available to and useable by persons occupying a dwelling unit and their guests.

**200.01.102.** “Variance” shall have the meaning given it by Section 615 of Title 2 of the Hermantown City Code. (Ord. 2011-07, passed 09-19-11)

**200.01.103.** “Wetland” shall mean:

**200.01.103.1.** “Wetland” shall mean an area where water stands near, at or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics:

**200.01.103.1.1.** Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to Wetland Types 1, 2, 3, 4, 6, 7, and 8 described by the United States Fish and Wildlife Service, Circular 39, “Wetlands of the U.S.,” 1956);

**200.01.103.1.2.** Mineral soils with grey horizons or organic soils belonging to the Histosol Order (peat and muck); and/or

**200.01.103.1.3.** Soil that is water-logged or covered with water at least three months of the year.

**200.01.103.2.** “Wetland” includes but is not limited to swamps, bogs, marches, potholes, wet meadows, and sloughs, and shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may, at times, be sufficiently dry to permit tillage, but would require drainage to be made arable.

**200.01.103.3.** The outward extent of a “wetland” normally will be that point at which the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**200.01.104.** “Yard” shall mean a required open space unoccupied and unobstructed by any structure or portion of a structure from the ground upward; provided, however, that fences, signs, utility poles, laws signs, antennas, and related minor equipment may be permitted in any yard, provided that they do not constitute a traffic safety hazard.

**200.01.105.** “Yard, front” shall mean a yard, extending between lot lines which intersect a street line, the depth of which is the horizontal distance between the street right-of-way line and a line on the lot which is at all points equidistant from and parallel to the street line.

**200.01.106.** “Yard, rear” shall mean a yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no “rear yard.” In the case of corner

lots, the “rear yard” shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.

**200.01.107.** “Yard, side” shall mean a yard extending from the rear line of the required front yard to the rear lot line.

(Am. Ord. passed 4-17-2006)