

ARTICLE 10 WORD USAGE AND DEFINITIONS

SECTION 1. WORD USAGE

For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- Subd 1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as individual.
- Subd 2. The word "shall" is mandatory, and not discretionary, the word "may" is permissive.
- Subd 3. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.
- Subd 4. The words "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- Subd 5. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken.

SECTION 2. DEFINITIONS

When used in this ordinance, the following terms shall have the meanings herein assigned to them. Words used in this ordinance, but not defined therein, shall carry the meanings as defined in Webster's Unabridged Third International Dictionary or its successor volumes.

ABANDONED HOMESTEAD. A formerly established homestead that has since been abandoned.

ACCESSORY BUILDING. A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.

ACCESSORY DWELLING UNIT (ADU). Dwelling units that are accessory to a primary dwelling unit and are on the same tax parcel of land as the primary dwelling unit.

AGGREGATED PROJECT. See Article 18 (WECS)

~~**AGRICULTURAL LAND.** Land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was set aside to receive price support or other payments under United States Code, Title 7, Sections 1421 to 1469, six of the last ten years prior to January 1, 1991.~~

~~**AGRICULTURAL OPERATION.** A facility consisting of real or personal property primarily used for the production of crops including fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, and associated processing of agricultural products produced by the operation. but not a facility primarily engaged in processing agricultural products. Agricultural processing for commercial use or sale shall not be the primary use of property at an Agricultural Operation.~~ Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, extended hours of operation, manure collection, disposal, spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops or products used in farming.

AGRICULTURAL PRODUCT. Includes, but is not limited to, crops (corn, wheat, hay, potatoes, soybeans); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry,

ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, [honey](#) etc.

AGRICULTURAL PRODUCT, VALUE-ADDED. This means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities, and tours.

~~**AGRICULTURAL RELATED PRODUCTS.** Means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, foodstuffs, clothing and other items promoting the farms and agriculture in Goodhue County and value added agricultural products and production on site.~~

NON-AGRICULTURAL RELATED PRODUCTS. Means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts, and knick-knacks imported from other states or countries, etc.

AGRICULTURAL PROCESSING. The practice of enhancing or improving the overall value of an agricultural product. The enhancement or improvement includes, but is not limited to marketing, transforming, or packaging.

AGRICULTURAL TOURISM. “Ag-tourism” and/or “Agri-tourism” means the practice of visiting ~~an agribusiness, horticultural, farm~~ or agricultural operation, including, but not limited to, ~~a farm, an~~ orchard, vineyard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, ~~or~~ active involvement in the operation, or participation in an agricultural related use other than as a contractor or employee of the operation.

AGRICULTURAL USE. The use of land for agricultural purposes, including farming, dairying, pasturage agricultural, forestry horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

AGRICULTURAL RELATED USE. Means activities that are accessory to the principal use of the property for permissible agriculture use that predominantly use agricultural products, buildings or equipment including activities, events or uses that represent “agricultural tourism” in Goodhue County as defined in this section, including but not limited to:

- A. Bakeries selling baked goods containing produce grown primarily on site
- B. Barn dances
- C. Corn mazes or straw bale mazes
- D. Educational events including but not limited to: activities associated with the promotion of wine usage, viticulture or viniculture classes, historical agricultural exhibits, and farming and food preserving classes.
- E. Gift shops for the sale of agricultural products and agriculturally related products.
- F. Petting farms, animal display, and pony rides

dwelling shall be allowed to become permanent, nor shall it give rise to a right to create a separate building site.

DWELLING, REPLACEMENT SITE. A site currently occupied by a legally established existing dwelling, whether habitable or uninhabitable, that may be continued as a dwelling site, regardless of the maximum density standard of the applicable zoning district.

EDUCATIONAL FARM RETREAT. An educational farm retreat shall be construed to mean any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family, as herein provided, and occupied as a home or family unit, are rented with cooking facilities, to the public for compensation and catering primarily to the traveling public. The purpose of the Educational Farm Retreat is to provide a lodging experience that provides an opportunity for guests to learn about the operations of a working farm.

EDUCATIONAL FARM RETREAT UNIT. Educational farm retreat room in a grouping to include not more than two bedrooms, kitchen or kitchenette, and bathroom.

EQUAL DEGREE OF ENCROACHMENT. 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.

EMPLOYEE, NON-RESIDENT. Persons employed by a home business not residing within the principal dwelling.

ESSENTIAL SERVICES. These uses include poles, towers, telephone booths, wires, cables, conduits, vaults, pipes, mains, pipelines, laterals, stations, substations or other associated or similar transmitting distributing or regulating facilities of a public utility.

EXCAVATION. See Article 14 (Mineral Extraction)

EXTRACTIVE USE. The use of land for surface or sub-surface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

FAA. See Article 17 (WCF)

FALL ZONE. See Article 18 (WECS)

FCC. See Article 17 (WCF)

FAMILY. A family is any number of persons living together in a room or rooms comprising of single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house, shall for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.

FARM. A tract of land principally used for agriculture activities including, but not limited to, the production of cash crops, livestock, or poultry farming. Farms may include dwellings and accessory buildings necessary to the operation of a farm. Real estate consisting of at least forty (40) acres with a minimum of at least twenty (20) acres cropland. Smaller acreage shall qualify as a farm if at least fifty (50) percent of the total net family income of the owner is derived from agricultural production in the preceding two tax years.

~~A. A tree farm would qualify if registered with the State of Minnesota and has forty (40) acres of tree coverage.~~

FARM MARKET/ON-FARM MARKET/ROADSIDE STAND. Means the sale of agricultural products or value-added agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

FARMYARD. The area of a farm immediately around the farm residence where accessory buildings are located and are being used exclusively for agricultural operations.

FARM WINERY. See Article 11 (Farm Wineries)

FEEDER LINE. See Article 18 (WECS)

FEEDLOT. Lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Other definitions relating to feedlots are found in Minnesota Pollution Control Agency's Rules 7020 For The Control of Pollution From Animal Feedlots. These rules are adopted by reference in this Ordinance.

FLOOD. See Article 32 (Floodplain District)

FLOOD FREQUENCY. See Article 32 (Floodplain District)

FLOOD FRINGE. See Article 32 (Floodplain District)

FLOODPLAIN. See Article 32 (Floodplain District)

FLOOD-PROOFING. See Article 32 (Floodplain District)

FLOODWAY. See Article 32 (Floodplain District)

FLOOR AREA, GROUND. See Article 32 (Floodplain District)

FOREST LAND CONVERSION. The removal of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FORESTRY. The use and management, including logging, of a forest, woodland or plantation and related research and educational activities.

GARAGE, PRIVATE. An accessory building designed or used for the storage of not more than three (3) motor driven vehicles owned and used by the occupants of the building to which it is accessory.

GASOLINE SERVICE STATION. A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, repair, or similar servicing thereof.

GENERATOR NAMEPLATE CAPACITY. See Article 18 (WECS)

HIGH POWER TRANSMISSION LINE. See Article 17 (WCF)

HOME BUSINESS. A business, profession, occupation or trade for gain or support conducted by an owner-occupant on the same parcel as the principal dwelling, which is incidental and secondary to the principal use of the premises.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.

LOT LINES. The lines bounding a lot as defined in this Ordinance.

LOWEST FLOOR. See Article 32 (Floodplain District)

MANUFACTURED HOME. See Article 32 (Floodplain District)

MANUFACTURED HOUSING. A manufactured building or portion of a building designed for long-term residential use.

MAXIMUM DENSITY. A density standard establishing the maximum number of dwellings allowed in a Section, ¼ ¼ Section, District, or Subdivision. In order to maintain a balance of compatible uses, when the maximum density has been reached, the only opportunity to increase the density is through a change of zone process that would allow additional housing. Reestablished abandoned homestead sites are not included in the density count until they have been approved and permitted.

MIGRATORY LABOR CAMP. Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops.

MINERAL EXTRACTION, ACCESSORY USE. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION, PRINCIPAL USE. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION FACILITY. See Article 14 (Mineral Extraction)

MINERAL EXTRACTION PERMIT. See Article 14 (Mineral Extraction)

MINERAL RESOURCE. See Article 14 (Mineral Extraction)

MINING TECHNICAL EVALUATION PANEL. See Article 14 (Mineral Extraction)

MINING/EXCAVATION OPERATION. The removal of stone, sand, and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.

MOBILE HOME. Manufactured housing built on a chassis.

MOBILE/MANUFACTURED HOME PARK. This term applies to any lot or tract of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either with or without charge and including any building or enclosure intended for use as a part of the equipment of such park.

NACELLE. See Article 18 (WECS)

~~**NON-AGRICULTURAL USES/ACTIVITIES ASSOCIATED WITH AN AGRITOURISM USE.** This means activities that are part of an agri-tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include but are not limited to:~~

- ~~A. — Temporary Amusement rides associated with an event~~
- ~~B. — Art or cultural related festivals~~
- ~~C. — Gift shops for the sale of non-agricultural products~~
- ~~D. — Benefit events~~

- ~~E. — Kitchen facilities, processing/cooking items for sale (subject to State of Minnesota, Department of Public Health standards) including eating establishments such as restaurants or cafés.~~
- ~~F. — Temporary camping (subject to State of Minnesota Department of Public Health Standards for Recreation Camping)~~
- ~~G. — Wedding ceremonies or receptions~~
- ~~H. — Wine and catered food events~~
- ~~I. — Reunions~~
- ~~J. — Concerts~~
- ~~K. — Social gatherings or similar types of events.~~

NON-CONFORMING LOT OF RECORD. Any legal lot of record that at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Zoning Ordinance concerning minimum area or minimum lot width.

NON-CONFORMING STRUCTURE. A structure the size, dimensions or location of which was lawful prior to the adoption of this Zoning Ordinance, but which fails by reason of such adoption, or subsequent revisions or amendment, to conform to the present requirements of the zoning district.

NON-PREVAILING WIND. See Article 18 (WECS)

NORMAL WATER LEVEL. The level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, 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.

ODOR. The odor of growing vegetation, domestic fertilizers, animal manures, insecticides, and other agricultural odors shall not be considered objectionable.

OPEN SPACE. Land that is permanently protected from future dwelling development. Land that is designated as Open Space may be used for such purposes as agricultural, forest, recreational uses, or demonstrate the use is protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of the real property.

OPERATOR. See Article 14 (Mineral Extraction)

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

OWNER. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having a proprietary interest in the land.

any increase in flood heights contributable to encroachment on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood-proofed.

RETREAT CENTER. A private facility or facilities oriented to using the natural features and outdoor character of the area to offer professional, educational, recreational or religious meetings, seminars, workshops, or gatherings which may provide meals, temporary lodging, and passive recreation for visitors and may include multiple related uses managed as one operation.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, and other similar uses.

RIGHT-OF-WAY LINES. The lines that form the boundaries of a right-of-way.

ROTOR. See Article 18 (WECS)

ROTOR BLADES. See Article 18 (WECS)

ROTOR DIAMETER. See Article 18 (WECS)

RURAL TOURISM. Business which attracts visitors to rural areas of Goodhue County using the rural outdoor environment for attractions that include, but are not limited to, retreats, weddings, receptions, bed and breakfasts, educational events, and holiday celebrations.

SCREENED. When a structure is built or placed on a lot or vegetation is planted such that when the structure is built, it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months as viewed from the river.

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing secure outdoor storage space and/or self-contained indoor individual storage spaces to customers who have access for the purpose of storing and removing personal property.

SENSITIVE AREAS. Shoreland, Floodplains, wetlands, bluff impact zones, bluff protection areas, and the Cannon River Recreational and Scenic Districts.

SETBACK. The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level or between a structure or sewage treatment system, toe or top of a bluff, bluffline, road, highway or property line.

SES (SOLAR ENERGY SYSTEM). See Article 19 (SES)

SES, GRID-INERTIE. See Article 19 (SES)

SES, GROUND MOUNTED. See Article 19 (SES)

SES, COMMERCIAL. See Article 19 (SES)

SES, OFF-GRID. See Article 19 (SES)

SES, RESIDENTIAL. See Article 19 (SES)

SES, UTILITY SCALE. See Article 19 (SES)

SES, UTILITY-SCALED. See Article 19 (SES)

SEWAGE TREATMENT SYSTEM. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 5.8 of this Ordinance.