

Article II: Definitions

Accessory Use or Structure – A use or structure, not a dwelling, located on the same lot and customarily incidental and subordinate to a principal use or structure.

Agricultural Land – Land planted with annually seeded crops or that is in a crop of pasture grasses or legumes.

Airport – A commercial enterprise either on land or water, that is regularly used or intended to be used for the landing and take-off, storage, or servicing of aircraft.

Airstrip – A non-commercial landing strip for aircraft intended for individual, private use.

Animal Hospital – A facility used in the care and treatment of animals.

Animal Unit – The number of acres per animal required for various types of animals.

Attorney – The Attorney for the Town of Duluth, Minnesota, or authorized representative.

Auditor – The County Auditor of St. Louis County, Minnesota, or authorized representative.

Basement – A space having over 25% of its floor to ceiling height below the average adjoining ground level and with a floor-to-ceiling height of not less than seven and one-half (7½) feet.

Bed and Breakfast Inn – A building designed as a single family dwelling containing from four (4) to six (6) dwelling units providing lodging accommodations by prior arrangement, for compensation, with restrictions on the time involved. The primary residence in the building must be occupied by the building owner on a permanent basis. It may or may not include serving of meals to guests. It must have an approved sewerage disposal system. (see also **Homestay**).

Bluff – A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or the entire feature is located in the shoreland overlay area (SLO)
- B. The slope rises at least 25 feet above the Ordinary High Water Level (IHWL) of the water body;
- C. An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff;
- D. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- E. The slope must drain toward the water body.

Bluff Impact Zone – A bluff and land located within 20 feet from the top of a bluff.

Board of Adjustment – The Board of Adjustment for Duluth Township, Minnesota, as created by ordinance pursuant to Minnesota Statutes 462.354 and all acts amendatory thereof.

Boathouse – A structure along the shore, designed and used solely for the storage of watercraft and directly related equipment.

Borrow Pit – A land use involving the excavation or digging of material for use as fill at another site. Borrow pits used for the private use of a landowner and pits used to construct roads for forest management purposes shall not be considered borrow pits. Pits used for public roads, other public work purposes, and commercial uses shall be considered borrow pits.

Buffer – Open spaces, landscaped area, fences, walls, or berms used to separate, screen, or visually block one use from another.

Duluth Zoning Ordinance - Article II: Definitions

- Building** – Any structure for the shelter, support or enclosure of persons, animals, or property of any kind. (See *also, Structure*)
- Building Line** – A line parallel to a lot line or the ordinary high water level at the required setback beyond where a structure may not extend. See **Figure 3, page 35**.
- Buildable Lot Area** – The area of a lot exclusive of public rights-of-way, building setbacks or wetlands, that is at least 3 (three) feet above the ordinary high water line. See **Figure 3, page 35**.
- Bunkhouse** – A residential accessory structure used for sleeping quarters with no sanitation, cooking facilities or water under pressure.
- Campground** – An open-air recreation area where temporary shelters, such as tents and Recreational Camping Vehicles, are intended to provide short-term occupancy. It must have an approved sewage treatment system.
- Commercial Use** – The principal use of land or buildings is for the sale, lease, rental, or trade of products, goods, and services.
- Commissioner** – The Commissioner of the Minnesota Department of Natural Resources.
- Community Center Facility** – A building, group of buildings, or use of land intended to serve a community's educational, recreational, and service activities, typically containing space for a meeting hall, town garage, post office, or fire hall.
- Conditional Use** – A land use or development that would not generally be appropriate without restriction throughout the zone district but which, if controlled as to number, area, size, location, design, performance, or relation to the neighborhood, and as to compatibility with official Town of Duluth plans, would not be injurious to the public health, safety, order, comfort, appearance, prosperity or general welfare.
- Concept Plan** – A drawing to rough scale showing initial ideas regarding a proposed use.
- Conservation Design Subdivision** – A process of subdividing land for development whereby lots are laid out recognizing those elements the community values highest, including but not limited to: wetlands, floodplains, slopes, soils, significant wildlife habitats, woodlands, fields, historic and cultural features, views and groundwater. These important elements guide the design of the subdivision whereby they are conserved ~~and~~ as structures are built. The design of the sub-division is guided by conservation principles. Structures are built to conserve/preserve the important elements listed above.
- Deck (attached)** – A horizontal, unenclosed platform that is attached, or functionally related to a structure. An attached deck shall have no roof, extended soffit, nor walls, but may have railings, seats, or other related features.
- Deck (detached)** – A horizontal, unenclosed platform that is freestanding, greater than 18 inches in height above grade at any point, and is not attached nor functionally related to a structure. A detached deck shall have no roof, extended soffit, nor walls, but may have railings, seats or other related features. (*See also, Structure*)
- Driveway** – A private way serving one (1) or more properties by connecting it to a road. Private access to agricultural land by culverting a ditch solely for the purpose of agricultural access to the property shall not constitute a driveway.
- Dwelling, Duplex, Triplex, or Quad** – A dwelling structure on a single lot having two (2) , three (3), or four (4) units, that share common walls. Each unit is equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

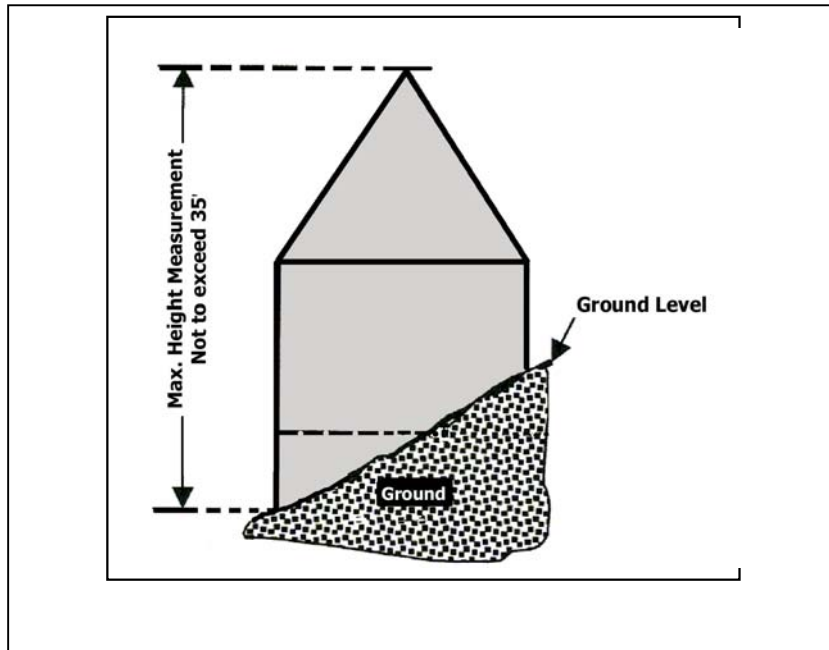
- Dwelling, Social Service** – A residential facility licensed by the State of Minnesota or the St. Louis County Social Services Department which serves persons with special needs. Residences for government authorized social service programs with a maximum occupancy of 10 persons shall be considered as a single-family dwelling.
- Dwelling, Multiple-family** – A residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each with an approved sewage disposal system.
- Dwelling, Seasonal (cabin)** – A residence occupied on a part-time basis, not to exceed eight (8) months of the calendar year, and not requiring public services such as school bus transportation or snow plowing of roads by a governmental unit.
- Dwelling, Single-family** – A detached residence, including manufactured homes, designed for one (1) family only and having an approved sewage disposal system.
- Dwelling, Two-family** – A residence designed for or occupied by two (2) families, including manufactured homes, with separate housekeeping and cooking facilities for each family and with an approved sewage disposal system.
- Dwelling Unit** – Any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- Earth Tone** – Soft, neutral or weathered colors typically associated with forest vegetation, soil, bark or rock; principally blacks, browns, greens, and grays.
- Easement** – A non-possessing interest held by one person, group or government in land of another person whereby the first person, group or government is accorded partial use of such land for specific purposes. Easements fall into three broad classifications: surface easements, subsurface easements, and overhead easements.
- Erosion Hazard Area** – Those areas susceptible to erosion and identified in the maps by the North Shore Management Plan, detailing Lake Superior shoreline's Erosion Hazard Areas.
- Extractive Use** – The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat.
- Family** – One or more persons occupying a single housekeeping unit and using common cooking facilities.
- Feedlot** – Specifically designed animal confinement areas in which manure may accumulate or where the concentration of animals is such that the vegetative cover cannot be maintained in the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall also be considered animal feedlots. Pastures shall not be considered animal feedlots.
- Filter Strip** – The use of land topography and native vegetation to provide runoff, erosion and sedimentation control.
- Foundation** – Permanent footings and walls for a structure that extend to the frost line or ledge-rock, are intended to carry the weight of the structure and are made of masonry, concrete or treated wood.
- Gazebo** – A freestanding roofed structure usually open on the sides.
- Gravel Pit** – See *Borrow Pit*.
- Guest Cottage** – A non-commercial dwelling for temporary guests.

Hardship – A hardship occurs only when a piece of property cannot be put to a reasonable use under the conditions allowed by this Ordinance, and the plight of the landowner is due to circumstances unique to his property, not created by the landowner. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance.

Health Center, Commercial – Facility used for providing health care services for humans.

Height of Building – The vertical distance between the highest point on the roof and the lowest at the ground level where the building foundation meets the ground. See **Figure 1, page 26**.

Figure 1 – Measurement of the Height of a Building



Highway Commercial Uses - Those uses, which by their nature customarily relate to, depend upon, or provide essential services to the highway traveling public, on arterial and major collectors, including, but not limited to, gasoline service and light automotive repair stations, drive-in food service facilities, motels, truck stops, etc., and which do not include operational activities that are or may be a nuisance to or are otherwise incompatible with the existing or intended development pattern of the area.

Historic Site, Significant - Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. An historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered significant historic sites.

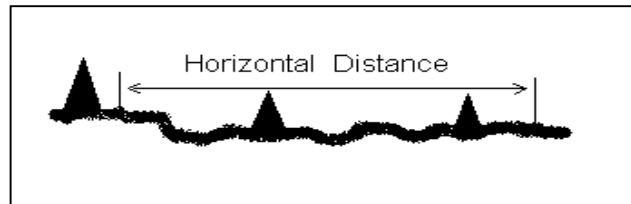
Home Based Business - A commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which may employ no more than five (5) persons who are not residents of the owner's home, which is of a type or character consistent with rural residential lifestyle, and which is established and operated under such conditions that the use is not a nuisance to or otherwise incompatible with the surrounding area and is not considered a planned unit development (PUD), highway commercial, neighborhood commercial, rural industry or waterfront commercial use. (see also **Home Occupation**)

Duluth Zoning Ordinance - Article II: Definitions

Home Occupation - A use of non-residential nature conducted entirely within the dwelling or accessory buildings and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and which does not include an operational activity that is or may be a nuisance to or otherwise incompatible with the surrounding area. (see also **Home Based Business**)

Horizontal Distance - A distance measured along a plane that is perpendicular to an axis running through the center of the earth at the point of measurement. See **Figure 2, page 27**.

Figure 2 – Measurement of Horizontal Distance



Homestay – A building designed as a single-family dwelling containing no more than three (3) habitable units providing lodging accommodations by prior arrangements, for compensation, with restrictions on the time involved. The primary residence in the building must be occupied by the building owner on a permanent basis. It may or may not include serving of meals to guests. It must have an approved sewerage disposal system. (see also **Bed and Breakfast**).

Impervious Surface – A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, septic systems, parking lots, storage areas, and concrete, asphalt, or gravel roads. (see also **Lot Coverage**).

Improved Public Road – Any constructed road maintained by a unit of government as an official portion of that government's road system.

Industrial Use – The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive Vegetative Clearing – The removal of trees, shrubs or plants in a contiguous patch, strip, row, or block.

Junk or salvage Yard – Any place where 3 or more motor vehicles not containing current license plates, or not in operable condition, are stored in the open. In addition, any place where the salvaging or scavenging of any other goods, articles, or merchandise not contained entirely within enclosed buildings is conducted.

Kennel, Boarding – Any structure or premises, intended for commercial activity where four (4) or more dogs over four (4) months of age are kept or raised for compensation. A person's home where dogs are kept as pets is not a "kennel".

Kennel, Sled Dog – Any structure or premise on which four (4) or more dogs are kept or raised for mushing.

Land Use Permit – A permit issued for a specific use of or activity on the land.

Livestock – Farm animals such as, but not limited to, horses, cows, sheep, goats, poultry, kept for use or profit, excluding poultry and rabbits kept as pets or raised for personal use.

Duluth Zoning Ordinance - Article II: Definitions

Lot – A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Lot Coverage – Lot coverage shall include all structures, driving surfaces including gravel surfaces, septic system area, parking areas regardless of type of surface, and all other improved surfaces. (see also **Impervious Surface**)

Lot Frontage – The front of a lot shall be the portion bordering the street or a body of water if the lot has water frontage. For determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section (see **Figure 3 and Figure 4, page 35**).

Lot of Record – A lot which is part of a subdivision recorded in the office of the County Recorder or Registrar of Titles of St. Louis County, Minnesota, or a lot or parcel described by metes and bounds, the description of which has been lawfully created and recorded prior to the date of enactment of this Ordinance or amendments thereto, provided that a lot on federal, state, tax forfeited or Minnesota Power lands that has been leased out prior to June 14, 1979 shall be considered a lot of record even though that lot has not been individually recorded in the office of the County Recorder or Registrar of Titles.

Lot Water Frontage – Shall be the minimum distance between the points of intersection of the side lot lines and the ordinary high water level (see **Figure 4, page 35**).

Lot Width – Shall be the distance between the side lot lines measured at the building line. The building line for parcels with shore frontage shall be the minimum principal structure setback distance as required for each river and lake classification and the location of the on-site sewage treatment system and expansion area. Lot width for parcels that do not have shore frontage shall be the location in which the building and on-site sewage system is located (see **Figure 3 and Figure 4, page 35**).

Manufactured Home – A dwelling, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on-site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when *connected to the required utilities*. (see also **Mobile Home**)

Mineral Evaluation – Mineral exploration exceeding four (4) test borings per forty (40) acre parcel and including development drilling, trenching, and bulk sampling.

Mineral Exploration – Exploratory drilling not to exceed four (4) test borings per forty (40) acre parcel.

Mitigation – To rectify a wetland impact by repairing, rehabilitating, or restoring the affected environment or by compensating for those impacts by replacing or providing substitute wetlands.

Mobile Home – Manufactured homes built prior to *HUD CFR 3280 Standards*, effective June 15, 1976, or built prior to Minnesota inspection and certification requirements in accordance with *ANSI Standards A119.1, July 1, 1972*. (See also **Manufactured Home**)

Mobile Home Park – A lot that has been planned and improved for the placement of, or that contains, two (2) or more mobile or manufactured homes as defined in Minnesota Statutes.

Neighborhood Commercial Uses – Those uses that provide neighborhood level convenience services to communities such as small grocery stores, small sundry and convenience item stores, and small professional office buildings, such as doctor and dental clinics, which uses are of such size and nature as to blend well with the existing and intended development pattern of the neighborhood.

Nonconformity – Any legal use, structure or parcel of land already in existence, recorded or authorized prior to the adoption of this Ordinance or amendments hereto which would not have been permitted to become established under the terms of this Ordinance as adopted or amended, if this Ordinance had been in effect as of the date the use, structure or parcel was established, recorded or authorized.

North Shore Management Zone Within Duluth Township – An area boundary defined from the shoreline of Lake Superior to the centerline of Highway 61 Expressway.

Open Space – Areas that are not developed, these may or may not be specifically designated.

Open Space Plan – Areas that are designated to be maintained in an open space condition.

Ordinary High Water Level (OHWL) – 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 shall be the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level shall be the operating elevation of the normal summer pool.

Outdoor Lighting Fixtures – Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, and flood lights for: buildings and structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs (advertising or other); street lighting; product display area lighting; building overhangs and open canopies.

Overlay District – A regulatory district that is stacked on top of and across a zoning districts, and setting additional land use regulations, incentives, requirements, preferences, or other standards, including the Shoreland Overlay and the Sensitive Area Overlay districts. The overlay district standards are cumulative to rather than substituting for the base zoning district standards. Where the overlay and the zoning district provisions are in conflict, the more restrictive of the provisions apply.

Permitted Use – A use that is specifically allowed in a zone district (see **Article V, page 49**).

Person – A firm, association, organization, partnership, trust, company, or corporation as well as an individual.

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

Planned Unit Development, Commercial – A planned unit development with typical uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, Recreational Camping Vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Planned Unit Development, Residential – A planned unit development with uses where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, cluster subdivisions, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. Residential structures where an agent is employed to promote rental of units in a manner similar to a resort shall be considered a commercial planned unit development.

Duluth Zoning Ordinance - Article II: Definitions

Planned Unit Development, Mixed-use – A planned unit development where a mix of both residential and commercial uses are combined. The ratio of residential and commercial will be determined on a case-by-case basis.

Planning Commission – The Planning Commission of the Town of Duluth Minnesota, as created by ordinance pursuant to Minnesota Statutes 462.354 and 366.17, and all acts amendatory thereof.

Planning Director – The Planning Director of the Town of Duluth, Minnesota, hereinafter variously referred to as Director, Zoning Director or Planning and Zoning Director, or his authorized representative who administers the Zoning Ordinance and other land use official controls.

Platform (detached) – A horizontal surface, without rails, seats, or other elevated features, that is no greater than 18 inches in height above grade. (see also **Deck**).

Principal Use or Structure – A structure or use that is the primary or predominant focus of activity on a parcel. Principal uses include such uses as a single family home, cabin, guest cottage, resort lodge and cabins, salvage yard storage areas, offices, and businesses.

Privy – A sanitary facility for recreational, seasonal, or temporary land uses, as defined and regulated under the St. Louis County Individual Sewage Treatment System (ISTS) statutes.

Public Facility Renovation – The utilization of a former public or semi-public building, such as a school, town hall or fire hall for residential, commercial, semi-public, industrial or mixed uses where the existing structure will be preserved, will be compatible with the neighborhood, and the proposed use will enhance social and economic opportunities for the area.

Public Recreation Facility – A recreational facility open to the public.

Public Transportation Terminal – A terminal open to the public for the purpose of people gathering to use public transportation.

Public Trails, Beaches, and Waysides – Those facilities used by the public on public lands.

Public Water, Protected - For the purpose of this Ordinance, this shall be construed to mean any Minnesota Department of Natural Resources (MnDNR) designated Trout stream or tributary of a MnDNR designated Trout Stream, other public water courses defined by the MnDNR, unclassified water courses with a defined bottom, any lake or pond greater than 25 acres, and Lake Superior. Refer to the Streams overlay Map for the exact delineations of a protected public watercourse in the Town of Duluth, with the exception of unclassified watercourses with defined bottoms.

Qualified Professional – Engineers, soil scientists, hydrologists, land use planners, and other experienced or licensed professionals.

Recreational Camping Vehicle – Shall be defined as in Minnesota Statutes Section 327.14 and reads as follows: a recreational camping vehicle includes the following:

- A. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation uses.
- B. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- C. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
- D. Any folding structure mounted on wheels and designed for travel, recreation, and vacation use.

Recreational Camping Vehicle Park – A commercial establishment where two (2) or more Recreational Camping Vehicles may be parked for a limited time.

Duluth Zoning Ordinance - Article II: Definitions

- Recycling Center (Public Collection Site)** – A publicly owned and operated center where residents may bring in and deposit their recyclable articles which will then be picked up and transferred to a central location.
- Remodel** – An alteration of the interior or exterior portion of a structure that *does not* involve the replacement of the main structural frame, walls, or changes in the exterior dimensions of the structure (see also **Structural Alteration**). Remodeling of an existing structure shall be considered one or more of the following:
- A. Work performed on the interior of a structure (provided the work does not increase the number of bedrooms or increase water usage).
 - B. Replacement of siding, windows, doors, soffit, fascia, roofing (i.e., if roofing replacement does not increase height by more than two (2) feet), and ornamentation.
 - C. Creating additional-windows or doors.
 - D. Under no circumstances shall remodeling constitute replacement of the main structural frame, walls, or changes in the exterior dimensions.
- Residence** – See **Dwelling**, *by type*.
- Resort** – A commercial planned unit development where the primary purpose is to provide lodging and/or recreational opportunities.
- Retail and Service** – Those commercial activities that sell products or services in small quantities directly to the end user.
- Road** - A road is defined as any way that serves more than two (2) parcels per forty acres or government lot.
- Road Classification** – Road classes are identified by St. Louis County and may change from time to time. (see *the Town Hall for current road classifications*).
- Rural Industry** – Small industrial uses in low development density areas.
- Riparian** – The area of land and water forming a transition from aquatic to terrestrial ecosystems along streams, lakes and open-water wetlands.
- Sauna** – An accessory structure used for the sole purpose of a steam bath and change room, and/or storage of materials directly related to such activity.
- Sawmill, Portable** – A small sawmill permanently mounted on a trailer and not requiring removal from same to become operational. (See also **Wood Processing**)
- School, Public or Private** – A facility that individuals attend for instruction and learning.
- Screening** – The use of fences, vegetation, berms, or other methods that reduce visual impact of a structure or use upon adjacent structures or uses.
- Seasonal residence** – See **Dwelling**, *by type*.
- Semipublic Use** - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- Sensitive Areas Overlay (SENSO)** – Those areas that are sensitive to development practices and defined as having any or a combination of the following factors: moderate to steep slopes, shallow soils, high erosion potential caused by either slope or soils conditions, wetlands, flood plains, limitations associated with ground water recharge areas, and site limitations for waste water treatment. These sensitive areas are designated on the Town of Duluth Zoning Map, as Sensitive (SENSO) areas. (see **Article V Section 2-M, page 50; Article VII, page 63**, and the **Zoning Map, page 2**)

Setback – The minimum horizontal distance between where a structure or principal use may be placed and the ordinary high water level, road, front, side, sewage system, well, bluff or rear lot lines. (see **Figure 3 and Figure 4, page 35**).

Sewage Treatment System – A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated by St. Louis County.

Sewer System – Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shoreland Overlay Area – Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from the ordinary high water level of a river or stream designated by this ordinance, or the landward extent of a flood plain designated by the Federal Emergency Management Agency (FEMA). The shoreland overlay area adjacent to Lake Superior extends from the ordinary high water level of Lake Superior to the Highway 61 Expressway.

Shoreline – The shoreline is located at the Ordinary High Water Level (OHWL).

Sign – Any device designed to inform or attract the attention of persons not on the premises on which the device is located, including any structure erected primarily for use in connection with the display of such device and all lighting or other attachments used in connection therewith.

Sign, Outdoor Advertising – Any sign, as defined above, except signs solely expressing an opinion.

Sign, On-site – A sign where the subject matter relates only to the premises on which it is located, or to products, services, accommodations, or activities on the premises.

Sign, Off-site – Any sign other than an on-site sign. (see *also* **Sign, On-site**).

Small Animal – Including but not limited to dogs, cats, birds, rabbits, and potbelly pigs.

Soil, Slumping – A subsidence of soil material commonly caused by a de-stabilization of lower horizons causing structural dislocation or failure

Soil, Angle of Repose for Saturated Soil Conditions – The angle of maximum slope at which the soil is stable.

Steep Slope – Lands outside of the Shoreland Overlay Area (SLO) having an average slope greater than twelve percent (12%), as measured over horizontal distances of fifty (50) feet or more, which are not bluffs. (see *also* **Bluff**)

Structure – Anything more than 30 inches high placed, constructed, or erected with a fixed location on the ground, including portable buildings, mobile homes, signs, earth sheltered homes, and swimming pools. Fences, utility poles, lawn lights, non-commercial communication towers not containing dish antennas, non-commercial wind generating towers and related minor equipment shall not be considered structures. Unattached decks regardless of height shall be considered a structure if within the shore setback area for principal structures.

Structural Alteration – Any change other than incidental repairs which would affect the supporting members of a building, such as bearing walls, columns, beams, girders or foundations. (see *also* **Remodel**)

Subdivision – Land that is divided for the purpose of sale, rent, or lease, including planned unit developments (PUD). (see **Article III, Section 1-H, Page 38**).

Surface Water-Oriented Commercial Use – The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conduct of business. Marinas, resorts, and restaurants with transient docking facilities are some examples of such use.

Toe of the Bluff – The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of lowest fifty (50) foot segment, measured on the ground, where the slope exceeds eighteen percent (18%).

Top of the Bluff – The point on a bluff where as visually observed there exists a clearly identifiable break in the slope from steep to gentle. If no break is apparent, the top of the bluff shall be the upper end of uppermost fifty (50) foot segment where the slope is less than six percent (6%).

Tower, Camouflaged – Any tower or supporting structure that, due to design, location or appearance, partially or substantially hides, obscures, conceals, or otherwise disguises the presence of the tower and one or more antennas or antenna arrays, affixed to the structure.

Tower, Communication – A principal structure that is intended to support communication equipment for wireless, broadcast, and similar communication purposes. Communication towers include, but are not limited to, monopole (free standing), lattice (self-supporting), or guyed (anchored with guy wires or cables). This definition applies to all towers intended for communication purposes.

Tower, Commercial Communication – A facility that transmits and/or receives electromagnetic signals for commercial purposes. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development. The facility provides licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the public.

Town – Any town (or township), including those with the powers of a statutory city pursuant to law.

Transfer Station – A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer station may be fixed or mobile.

Transfer of Development Rights (TDR) – A system that generally restricts the amount of development that may be carried out on a particular parcel of land, but allows the landowner to transfer the unused potential development capacity to another parcel of land for more intense development than would have been possible without such a transfer. This procedure may be used as a means of reducing the density of development in an area. Transfer-of-development-rights may be used to preserve historical landmarks and open places as well as environmentally sensitive areas; conversely, it may be used to enable greater density in developable areas while restricting development in those areas that have low development potential.

Trout Stream – A river classification to be used on all trout streams designated by the Commissioner of the Minnesota Department of Natural Resources.

Unclassified Watercourse – A naturally occurring named or unnamed water with a defined bottom.

Unit – Individual dwelling component providing sleeping, bathing, and sanitary services generally accessible from a separate entrance including facilities known as lockouts.

Use – The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Utility Corridor – A generally narrow corridor used for the transmission of a utility commodity such as but not limited to gas, oil, communications, or electricity.

Duluth Zoning Ordinance - Article II: Definitions

Utility Facilities – A use, building, or structure, including communication towers, electrical substations, windmills, solid waste dump stations and recycling centers, telephone maintenance centers and other similar facilities that are normally uninhabited, do not contain sanitary facilities and are not intended as a long-term work site.

Variance – Any modification or relief from a Town of Duluth Land Use Ordinance within a permitted use where it is determined by the Planning Commission that, because of exceptional circumstances, the strict enforcement of the provisions of such ordinance would cause unnecessary hardship as defined herein.

Vegetation Line – Measurements taken from the point where terrestrial vegetation begins. This is commonly where a sod layer has developed.

Warehousing – A place for the storage of merchandise or commodities.

Water-Oriented Accessory Structure or Facility – A small, aboveground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Water Frontage – See *Lot Water Frontage*.

Waterfront Commercial Uses – Those uses that by their nature customarily relate to or service recreational water activities, such as marinas, fishing and boating resorts, canoe outfitters, campgrounds, boat sales if part of a permitted marina, restaurants and supper clubs if part of a permitted resort, which uses do not include operational activities or development characteristics that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.

Wetland – Transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface. A wetland must display: (1) a predominance of hydric soils; (2) surface water or ground water at a frequency or duration sufficient to support a prevalence of hydrophytic vegetation; (3) hydrophytic vegetation under normal conditions. As defined by Minnesota Wetland Conservation Act of 1991, Chapter 354, and all subsequent amendments.

Wood Processing Activities – A use involving mechanical equipment for the purpose of altering timber and timber by-products, such as debarking, chipping, and/or milling.

Wood Processing Facility, Commercial – A wood processing facility used to process timber products for commercial use more than 8 (eight) hours per day for two weeks or more in one area.

Wood Processing Facility, Non-commercial – A wood processing facility, such as a portable sawmill, that is used for personal use. (See also **Sawmill, Portable**).

Yard – A required open space unoccupied and unobstructed by any structure.

Yard, Front – A yard extending across a lot between the side yard setback lines and lying between the right-of-way line of a road and the road setback or, in the case of water frontage only, lying between the ordinary high water level and the shoreline setback. (see **Figure 3 and Figure 4, page 35**)

Yard, Rear – A yard extending across a lot between the inner side yard lines, and extending from the rear lot line or shoreline to the minimum rear yard or shoreline setback. (see **Figure 3 and Figure 4, page 35**)

Yard, Side – A yard extending from the front lot line to the rear lot line, and extending from the side lot line a distance equal to the minimum side yard setback for accessory structures. (see **Figure 3 and Figure 4, page 35**)

Zoning District – Refers to those land areas described in the Town of Duluth Zoning Ordinance that establishes minimum lot size, setback, coverage requirements, and permitted uses. (see **Article V, page 49** and the **Zone Map, page 2**).

Figure 3
Identifying Setbacks, Yards, Buildable Area

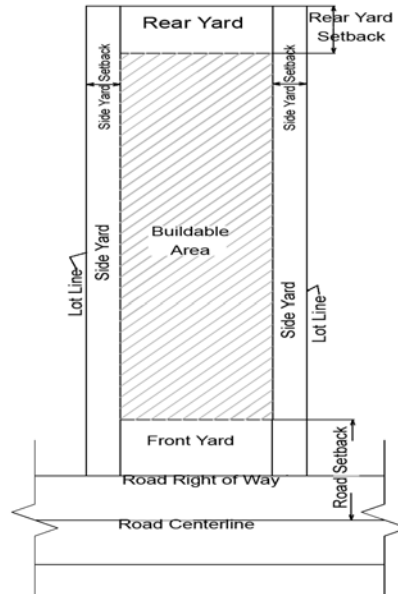
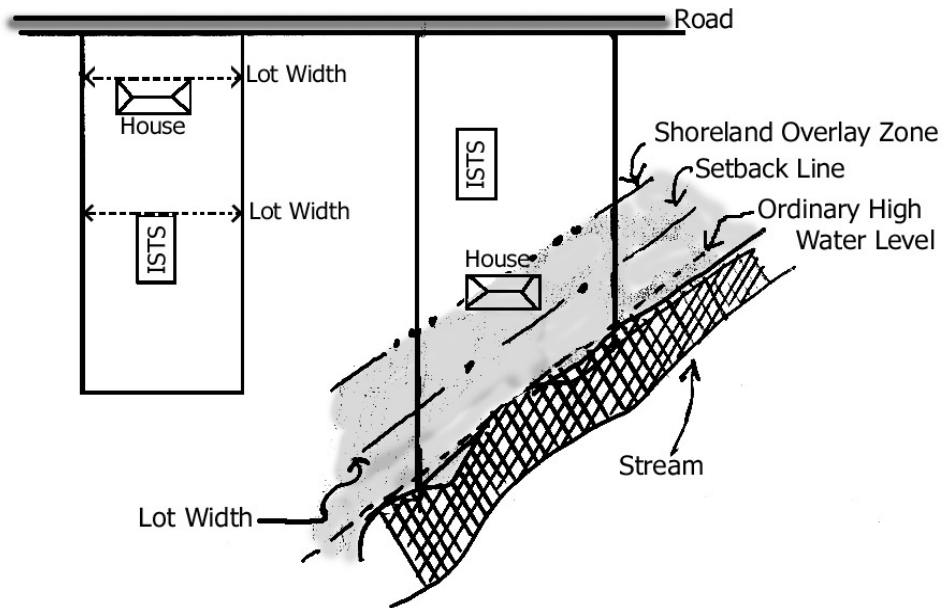


Figure 4
Identifying Stream Shoreland Setbacks



ISTS- Individual Sewage Treatment System