

6105.0354 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of these standards and criteria, certain terms or words used herein shall be interpreted as follows: the word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Subp. 2. **Accessory use.** "Accessory use" means a use subordinate to and serving the principal use on the same lot and customarily incidental thereto, such as vegetative cutting and grading and filling.

Subp. 3. **Agriculture.** "Agriculture" means the utilization of land for production of farm crops such as vegetables, fruit trees, grain, and other crops, as well as for the raising of poultry and domestic farm animals.

Subp. 4. **Appurtenance.** "Appurtenance" means a structure subordinate to and serving the principal structure on the same lot and customarily incidental thereto such as garages, decks, essential services, signs, docks, and stairways and lifts, except that appurtenance does not include private water supply and sewage and waste disposal systems below the ground.

Subp. 5. **Bluffline.** "Bluffline" means a line along the top of a slope connecting the points at which the slope, proceeding away from the river or adjoining watershed channel, becomes less than 12 percent; except that bluffline does not include the tops of slopes not visible from the river assuming no vegetation cover or the tops of slopes associated with minor undulations or roadside ditches, provided that the construction and presence of any proposed structure near the tops of such slopes will not cause erosion and that the structure will not be visible from the river. The location of the bluffline for any particular property shall be certified by a licensed land surveyor or the local authority. More than one bluffline may be encountered proceeding away from the river or adjoining watershed channel. All setbacks required herein shall be applicable to each bluffline.

Subp. 6. **Building line.** "Building line" means a line measured across the width of the lot at that point where the principal structure is placed in accordance with setback provisions.

Subp. 7. **Channel.** "Channel" means a natural or artificial depression of perceptible extent, with a definite bed and banks to confine and conduct flowing water either continuously or periodically.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of natural resources.

Subp. 9. **Conservancy.** "Conservancy" means the practice or implementation of policies for the protection and preservation of the natural character of lands for their value to scenic enjoyment, wildlife, water and soil conservation, flood plain management, forestry, and other such purposes.

Subp. 10. **Dwelling unit.** "Dwelling unit" means a residential accommodation which is arranged, designed, used, or intended for use exclusively as living quarters for one family.

Subp. 11. **Harbor.** "Harbor" means a portion of a body of water along or landward of the natural shoreline deep enough for recreational watercraft navigation, and so situated with respect to shoreline features as to provide protection from winds, waves, ice, and currents. Natural harbors consist of bays and estuaries, while artificial harbors are constructed by dredging.

Subp. 12. **Local authority.** "Local authority" means that person or body of persons affiliated with a county or municipal government which has authority to take whatever action or decision these standards and criteria are referring to when the term is used, including but not limited to boards of commissioners, councils, boards of adjustment, planning commissions, zoning administrators, and tree inspectors.

Subp. 13. **Lot.** "Lot" means a parcel, piece, or portion of land designated by metes and bounds, registered land survey, plat, or other means and separated from other parcels or portions by said description that is recorded in the office of the county register of deeds.

Subp. 14. **Marina.** "Marina" means an area of concentrated small craft mooring, where ancillary facilities may be provided for some or all of such services as fueling, sewage pumpout, boat launching, boat repair, and boat storage; except that marina does not mean temporary docks associated with riparian residential development if the mooring area is of a size not to exceed the resource limitations of the site and the needs of the residents of the development.

Subp. 15. **Nonconforming use.** "Nonconforming use" means any use of land established before the effective date of a Saint Croix Riverway ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

Subp. 16. **Ordinary high-water mark.** "Ordinary high-water mark" means 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 the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high-water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters, and sloughs.

Subp. 17. **Planned cluster development.** "Planned cluster development" means a pattern of subdivision development which places dwelling units into compact groupings while providing a network of commonly owned or dedicated open space.

Subp. 18. **Public roads.** "Public roads" means county, municipal, and township roads and highways which serve or are designed to serve flows of traffic between communities or other traffic-generating areas.

Subp. 19. **Public waters.** "Public waters" means any waters of the state which serve a beneficial public purpose as defined in Minnesota Statutes, section 105.37, subdivision 6.

Subp. 20. **Riverway boundary.** "Riverway boundary" means a legally described line delineating the landward extent of the Saint Croix Riverway.

Subp. 21. **Saint Croix Riverway.** "Saint Croix Riverway" means all lands and public waters within the riverway boundary subject to the standards and criteria for the Lower Saint Croix National Scenic Riverway in Minnesota.

Subp. 22. **Saint Croix Riverway ordinance.** "Saint Croix Riverway ordinance" means a set of rules and any amendments thereto, adopted by a local unit of government in accordance with the standards and criteria for the Lower Saint Croix National Scenic Riverway, which regulates the use of land within any particular rural or urban district.

Subp. 23. **Scenic easement.** "Scenic easement" means an interest in land, less than fee title, that limits the use of the land for the purpose of protecting the scenic, recreational, and natural characteristics of areas in the Saint Croix Riverway. Unless otherwise expressly and specifically provided by mutual agreement of the parties, the easement shall be: perpetually held for the benefit of the people of Minnesota; specifically enforceable by its holder or any beneficiary; and binding on the holder of the servient estate, the holder's heirs, successors, or assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

Subp. 24. **Screening.** "Screening" means the presence of vegetation or topography which makes any structure on any property visually inconspicuous in summer months as viewed from the river.

Subp. 25. **Setback.** "Setback" means the minimum horizontal distance between any part of a structure and the ordinary high-water mark or a bluffline.

Subp. 26. **Single family residential.** "Single family residential" means the use of a parcel of land for living accommodations including or intending to include a detached building containing one dwelling unit.

Subp. 27. **Slope.** "Slope" means all lands between the ordinary high-water mark and the riverway boundary having an angle of ascent or descent of more than 12 percent from the horizontal.

Subp. 28. **Structure.** "Structure" means any building or appurtenance thereto, except transmission services.

Subp. 29. **Subdivision.** "Subdivision" means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five-year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area, and which are under common ownership or control.

Subp. 30. **Substandard structure.** "Substandard structure" means any structure established before the effective date of a Saint Croix Riverway ordinance which is permitted within a particular zoning district but does not meet the structure setbacks or other dimensional standards of the ordinance.

Subp. 31. **Transmission services.** "Transmission services" means electric power, telephone, and telegraph lines, cables, and conduits that are used to transport large blocks of power, convey intelligence, or transport material between two points. In the case of electrical power, this will generally mean 69 kilovolts or more. For mains or pipelines, this means those conduits used to transport large amounts of gas, liquids, or solids in suspension. This should not be confused with distribution lines, cables, and conduits used to provide power, water, gas, or other essential services to utility company customers.

Subp. 32. **Variance.** "Variance" means any modification or variation of the dimensional standards of a Saint Croix Riverway ordinance where it is determined that, because of hardships, strict enforcement of the ordinance is impractical.

Subp. 33. **Visually inconspicuous.** "Visually inconspicuous" means difficult to see or not readily noticeable in summer months as viewed from the river.

Subp. 34. **Watercourse.** "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently. The term applies to either natural or artificially constructed channels.

Subp. 35. **Wetlands.** "Wetlands" means lands which are annually subject to periodic or continual inundation by water and commonly referred to as bogs, swamps, marshes, or sloughs.

Statutory Authority: *MS s 104.25*

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