

## **SEC. 153.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A public right-of-way which affords a secondary means of access to abutting property.

**APPLICANT.** Any person who wishes to obtain a building permit, zoning, or subdivision approval, or a permit to allow land-disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's direction.

**BEST MANAGEMENT PRACTICES or BMPs.** Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. Techniques proven to be effective in controlling runoff, erosion and sedimentation including those documented in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988); Protecting Water Quality in Urban Areas (MPCA, 2000); the Minnesota Urban Small Sites BMP Manual (Metropolitan Council 2001); and other sources as approved by the Scott Watershed Management Organization: as such documents may be amended, revised or supplemented.

**BLOCK.** A tract of land consisting of one or more lots as identified on a plat and bounded by plat boundaries, public ways, outlots, parks or bodies of water. (Minn. Stat. 505.01)

**BLUFF.** A topographical feature such as a hill, cliff, or embankment in which the average grade of any portion of the slope is 30% or greater and there is at least a 25-foot rise in elevation.

**BLUFF FACE.** The area between the toe of the bluff and the top of the bluff.

**BLUFF IMPACT ZONE.** A 25-foot zone at the top of a bluff.

**BLUFF, TOE OF.** The lower point of a bluff where the average slope levels off to 18% or less.

**BLUFF, TOP OF.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in slope is apparent, the top of the bluff shall be determined as the highest end of a 50-foot segment that exceeds 18% slope.

**BOULEVARD.** A portion of the street right-of-way between the curb line and the property line.

**BUILDABLE LAND.** The net land area available for development determined by taking the gross land area in its pre-development condition and subtracting all delineated wetlands, rights-of-way, easements and floodplain areas.

**BUILDING.** Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

**BUILDING SETBACK LINE.** A line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from the right-of-way line, or ordinary high water level.

**CALIPER.** The diameter of replacement or new trees measured at a height of 2 feet above the ground level.

**CANOPY, TREE.** The horizontal extension of a tree's branches in all directions from its trunk.

**CERTIFICATE OF SURVEY.** A document prepared by a Registered Land Surveyor which precisely describes area, dimensions and location of a parcel or parcels of land.

**CITY.** The City of Jordan.

**CLUSTER DEVELOPMENT.** The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land, while providing a unified network of open space and aesthetically pleasing areas and meeting the overall density regulations of this chapter and the Zoning Ordinance.

**COMMON INTEREST COMMUNITY.** A contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for:

- (1) Real estate taxes levied against;
- (2) Insurance premiums payable with respect to;
- (3) Maintenance of; or
- (4) Construction, maintenance, repair or replacement of improvements located on 1 or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies (M.S. § 515B.1-103).

**COMMUNITY DEVELOPMENT DIRECTOR.** An employee of the city with responsibilities in matters related to planning for the growth, development and redevelopment of the city.

**COMPREHENSIVE PLAN.** A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the city and its environs. The plan includes any unit or part of the plan separately adopted and any amendment to the plan or parts thereof.

**CONTOUR MAP.** A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

**CONVEYANCE.** The sale, trading, donation or offer of sale or other transfer of land.

**DEFLECTION ANGLE.** The angle between a line and the prolongation of the preceding line.

**DESIGN STANDARDS.** The specifications to landowners or subdividers for the preparation of plats, both preliminary and final, indicating, among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.

**DETENTION BASIN.** A facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the basin is empty. The outlet or control structure is located at the bottom of the facility so that the basin is dry after the runoff event. (See also **DETENTION POND**, **RETENTION BASIN**, and **RETENTION POND**).

**DETENTION POND.** A facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the water has been brought down to a predetermined level. The outlet or control structure is located in such a way that some water remains in the facility. The bottom of the facility is usually

below water table, or is otherwise constructed in such a way that standing water remains in the pond year round. (See also **DETENTION BASIN**, **RETENTION BASIN** and **RETENTION POND**).

**DEVELOPER.** Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity submitting an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

**DEVELOPMENT.** The construction of any public improvement project, infrastructure, structure, street, or road, or the subdivision of land.

**DOUBLE FRONTAGE LOT.** A lot other than a corner lot which has a property line abutting on 1 street and an opposite property line abutting on another nonintersecting street.

**DRAINAGE COURSE.** A watercourse or surface area for the drainage or conveyance of surface water.

**DRIP LINE.** An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

**EASEMENT.** A grant by the owner of land to the general public or to others for a specific use of the land.

**ESCROW.** The deposition of funds in an account maintained by the city for the purpose of ensuring fulfillment of certain obligations pursuant to this chapter.

**FINAL PLAT.** A drawing or map of a subdivision, meeting all the requirements of the city and in such form as is required by the County for purposes of recording.

#### **FLOOD RELATED TERMS.**

(1) **100-YEAR FLOOD.** A flood which is representative of large regional floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted city flood study.

(2) **ACCESSORY USE** or **ACCESSORY STRUCTURE.** A use or structure in the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(3) **EQUAL DEGREE OF ENCROACHMENT.** Method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

(4) **FEMA.** The U. S. Federal Emergency Management Agency.

(5) **FLOOD.** A temporary increase in stream flow or stage of a wetland, pond or lake that results in inundation normally dry areas.

(6) **FLOOD FREQUENCY.** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

(7) **FLOOD FRINGE.** That portion of the flood plain outside of the floodway. **FLOOD FRINGE** is synonymous with the term **FLOODWAY FRINGE** used in the flood map/boundary and/or Flood Insurance Study of the city.

(8) **FLOOD HAZARD AREAS.** The areas included in the floodway and flood fringe as indicated on the official zoning map (Shoreland Overlay District) and the Flood Hazard Boundary Map, Flood Insurance Study and/or Flood Insurance Rate Map which have been officially adopted by the city.

(9) **FLOOD HAZARD BOUNDARY MAP.** The most recent Flood Hazard Boundary Map prepared by FEMA for the city, as may be amended.

(10) **FLOOD INSURANCE RATE MAP.** The most recent Flood Insurance Rate Map prepared by FEMA for the city, and as applicable and allowed by law, the Flood Insurance Rate Map prepared by FEMA for the County of Scott, as may be amended.

(11) **FLOOD INSURANCE STUDY.** The most recent Flood Insurance Study prepared for the city by FEMA and, as applicable and allowed by law, the Flood Insurance Study prepared by FEMA for the County of Scott, as may be amended.

(12) **FLOOD PLAIN.** The areas adjoining a watercourse which have been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted city flood study. The **FLOOD PLAIN** includes the floodway and the flood fringe.

(13) **FLOODPROOFING.** A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.

(14) **FLOODWAY.** The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or in any other officially adopted city flood study. The floodway shall remain free of encroachment so that the 100 year flood can be carried without a rise in surface water elevation of more than 0.5 feet at any point.

(15) **FLOODWAY FRINGE.** The area between the floodway and the outer edge of the 100-year flood plain boundary that could be completely obstructed during a 100-year flood without a rise in surface water elevation of more than 1.0 feet at any point.

(16) **OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

(17) **REACH.** 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 2 consecutive bridge crossings would be typical of a reach.

(18) **REGULATORY FLOOD PROTECTION ELEVATION.** A point not less than 1 foot above the water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study plus any increase in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or floodproofed.

(19) **STRUCTURE.** Anything erected with a fixed location on the ground, or attached to something having a fixed location on the ground or in the ground in the case of earth sheltered buildings. Among other things,

structures include buildings, factories, sheds, detached garages, cabins, manufactured homes, walls, fences, billboards, poster panels and other similar items.

**GROWTH DEVELOPMENT PLAN.** The Comprehensive plan and/or utility plans adopted by the city providing for organized planned development of the city including general provision for extension of utilities and public facilities.

**HYDRIC SOIL.** For the purposes of this chapter, hydric soils shall include: Hydric soils as shown on the Scott County Geographic Information System (GIS); or land inside the 100 year floodplain area, as determined by the County, using 2 foot contour surveys of relevant areas; or a field delineation of the hydric soils by a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service publication Field Indicators of Hydric Soils in the United States.

**IMPROVEMENTS.** Pavement, curbs, gutters, sidewalks, sewer and water facilities, drainage facilities, street signs, street lighting, plantings and other items for the welfare of property owners and/or the general public.

**INTENSIVE VEGETATION CLEARING.** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

**LAND DISTURBING ACTIVITIES.** Any change of the land surface including removing vegetative cover, excavating, filling, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion, or the movement of sediment into water bodies. The use of land for new and continuing agricultural activities shall not constitute a land disturbing activity under this chapter.

**LOT.** A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

**LOT OF RECORD.** A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this chapter, or approved by the city as a lot subsequent to such date, and which is occupied by or intended for occupancy by 1 principal use, together with any accessory buildings or the open spaces as required by this chapter and having its principal frontage on a street, or a proposed street approved by the Council.

**METES AND BOUNDS.** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

**MINOR SUBDIVISION.** The division of a single parcel, lot, or tract, into 2 separate parcels, lots, or tracts.

**NATURAL WATERWAY.** A natural passageway in the surface of the earth so situated and having such a topographical nature that surface or percolating water flows through it from other areas before reaching a final ponding area. The term shall also include all drainage structures that have been constructed or placed for the purpose of conveying surface water from 1 place to another.

**NORMAL WATER LEVEL (NWL).** For a reservoir with a fixed overflow, the NWL is the lowest crest level of that overflow. For a reservoir whose outflow is controlled wholly or partly by movable gates, siphons or other means, it is the maximum level to which water may rise under normal operating conditions, exclusive of any provision for flood storage. For a closed depression wetland, it is the maximum level to which the water may rise under normal precipitation conditions exclusive of any provision for flood storage.

**OFFICIAL MAP.** The map adopted by the City Council showing the streets, highways, blocks and lots theretofore laid out resulting from the approval of subdivision plats and the subsequent filing of the approved plats.

**ORDINARY HIGH WATER LEVEL.** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which as 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 flowage, the ordinary high water level is the operating elevation of the normal summer pool.

**OUTLOT.** A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit shall be issued.

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

**PARKS, PLAYGROUNDS and PUBLIC OPEN SPACE.** Public lands and local open spaces in the city dedicated for or reserved for recreation and conservation purposes.

**PEDESTRIAN WAY.** A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and others and which may be used for the installation of utility lines.

**PERCENTAGE OF GRADE ON STREET CENTERLINE.** The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

**PLANNED UNIT DEVELOPMENT.** A tract of land planned and developed to encourage a more creative and efficient development of land, while at the same time meeting the standards and purposes of the Comprehensive Plan for preserving the health, safety and welfare of the city of Jordan, to allow for a mixture of residential units or residential and commercial units in an integrated and well-planned area and to ensure the concentration of open space into more usable areas and preservation of natural resources of the site including wetlands, steep slopes, vegetation, and scenic areas.

**PLANNING COMMISSION.** The Planning Commission of the city.

**PRELIMINARY PLAT.** A preliminary drawing or map of a proposed subdivision meeting requirements herein enumerated.

**PROTECTIVE COVENANTS.** Contracts made between private parties as to the manner in which land may be used, with a view to protecting and preserving the physical, social and economic integrity of any given area.

**PUBLIC IMPROVEMENT.** Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, street lights, lot improvement or other facility for which the city may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement, for which local government responsibility is or may be established.

**PUBLIC WATERS.** Any waters as defined in M.S. Chapters 103A to 103G, as may be amended.

**RETENTION POND.** A facility designed to store runoff from rainfall or snowmelt with no outlet. The bottom of the facility is usually below water table, or is otherwise constructed in such a way that standing water remains in the pond year round. (Also referred to as: Detention Basin, Detention Pond, or Retention Basin).

**RIGHT-OF-WAY.** Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.

**ROADWAY.** The portion of street right-of-way improved for vehicular travel.

**SETBACK.** The distance between a building and the property line nearest thereto.

**SIGNIFICANT TREE.** Any healthy deciduous tree (except Russian Olive, Cottonwood, Box Elder, Mulberry and Elm) having a diameter of 6 inches or greater, when measured 2 feet from the ground or a coniferous tree measuring 4 inches in diameter or greater, when measured 2 feet from the ground.

**SKETCH PLAN.** A sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, use, relationship to surrounding area, generalized natural features, any requested zoning change and other information required by this chapter for review by the city.

**SPECIMEN TREE.** A particularly impressive or unusual example of a species due to its size, shape, age or other trait that epitomizes the character of the species.

**STEEP SLOPE.** Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

**STORM WATER QUALITY POND.** A created ponding area per W. W. Walker (1987) criteria that provides a permanent pool for the purpose of sediment and pollutant removal to reduce water quality impacts of urban development.

**STREET RIGHT-OF-WAY.** A public or private thoroughfare with a minimum right-of-way width 60 feet, subject to the City Engineer's discretion, which is used or intended to be used for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

- (1) **ALLEY.** A thoroughfare through the middle of a block giving access to the rear of lots or buildings.
- (2) **CUL-DE-SAC.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (3) **CUL-DE-SAC, TEMPORARY.** A temporary turn around whose purpose is to allow the safe and convenient reversal of traffic, until such time that the street is extended.
- (4) **EYEBROW.** A local street with a partial paved circle, usually for the purpose of providing additional frontage to lots.
- (5) **FRONTAGE** A public or private street intended for the collection of traffic that would otherwise directly access minor or major collectors or arterial roadways whose function is the provide access to streets of higher classification.
- (6) **LOCAL STREET.** A roadway with traffic volumes generally less than 2,500 vehicle trips per day containing one lane of traffic in each direction whose primary function is to provide access to and from property.
- (7) **MAJOR COLLECTOR.** A roadway that links residential and commercial uses with a balance between mobility and access and whose function is to provide traffic circulation within the City and access to and from minor and major arterials.
- (8) **MINOR ARTERIAL.** An interregional road containing one or two lanes in each direction with limited access and controlled intersections at other arterials and collector streets. Minor arterials convey traffic between towns, boroughs or other urban centers. Efficient movement is the primary function of a minor arterial road. Provisions for turning around on the lot must be provided to avoid backing onto a minor arterial.

(9) **LOCAL COLLECTOR.** A roadway whose primary function is to provide access to and from major collectors and local streets.

(10) **PEDESTRIAN WAY** A path along the side of a roadway.

(11) **PRINCIPAL ARTERIAL.** A limited access interregional arterial route containing ≥ two or more lanes in each direction. They are designed exclusively for unrestricted movement, have no private access, and intersect only with selected arterial highways or major streets by means of interchanges engineered for freeflowing movement.

(12) **PRIVATE STREET.** A street serving as vehicular access to two or more parcels of land which is not dedicated to the public and which is owned, maintained and repaired by one or more private parties.

(13) **TRAIL** A path with a surface used for travel.

**STREET WIDTH.** The shortest distance between the edges of the traveled roadway if there is no curb, or between the faces of the curb with a minimum of 24 feet, subject to the City Engineer's discretion.

**STRUCTURE.** Anything constructed, the use of which requires a location on the ground or attached to something having a location on the ground, portable structures, earthen structures, water and storage systems, drainage facilities and parking lots.

**SUBDIVIDER.** An individual, partnership, or corporation which submits a plat for the purpose of land subdivision as defined herein. The subdivider shall be either the fee owner of the land to be subdivided or an authorized agent of said owner.

**SUBDIVISION.** A described tract of land which is to be or has been divided into 2 or more lots or parcels, any of which resultant parcels is less than 10 acres in area, for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel or land. The term includes resubdivision and, where appropriate to the context, relates either to the process of subdividing or to the land subdivided.

**SUBDIVISION DEVELOPMENT PLAN.** The documents containing all the plans and specifications to construct all the required public improvements and to make the subdivision suitable for development and consisting of sanitary sewer mains and services, street grading, paving and concrete curb and gutter plans, storm sewer plans, water main and service connection plans, sidewalk and trail plans, boulevard sodding and street tree plan identifying location and size and species, street sign and poles plan, decorative street lighting plans, and final grade for the lots and property within the subdivision.

**TANGENT.** A straight line which is perpendicular to the radius of a curve at a point on the curve.

**TREE INVENTORY.** An inventory of all significant trees and wooded lots in an area of development, to include specimen trees.

**URBAN DESIGN.** A street design where adjacent property and right-of-way are graded to the edge of pavement or to the top of a curb without need for ditch construction. Surface drainage is primarily carried by the paved street section.

**URBAN SERVICE AREA.** That portion of the city, as geographically defined by the Comprehensive Plan, which is or has the future potential for development at urban densities and/or urban uses and in which urban improvements may be required.

**VARIANCE.** A modification or variation from the literal provisions of the Chapter where it is determined that their strict enforcement would cause practical difficulties to a specific piece of property. The Board of Adjustment



and Appeals, as defined in this Chapter, may grant such variances. A variance shall not be granted allowing a use prohibited in the district in which the structure, use and lot are located.

**VERTICAL CURVE.** The surface curvature on a street centerline located between lines of different percentage of grade.

**VICINITY MAP.** A small-scale map that definitively shows the area proposed to be platted in relation to known geographic features (e.g. regional features, adjacent subdivisions, rivers or waterways and streets).

**WETLAND.** Any wetland as defined in M.S. § 103G.005, Subd. 19.

**ZONING ORDINANCE.** The ordinance or resolution controlling the use of land as adopted by the City.

(Ord. 85, passed 4--2005; Am. Ord. 96, Second Series, passed 8-7-2006; Ord. 2014-02, passed 5-19-2014)