

**CITY OF JORDAN  
ORDINANCE NO. 2020-09**

**AN ORDINANCE OF THE CITY OF JORDAN, MINNESOTA, AMENDING JORDAN, MN CODE OF  
ORDINANCES TO MAKE REQUIRED UPDATES TO FLOODPLAIN REGULATIONS**

**Subdivision 1. PURPOSE.** The City Council for the City of Jordan, Minnesota finds that it needs to update its floodplain regulations to conform with federal and state regulations and to maintain the City's eligibility in the National Flood Insurance Program.

**Subdivision 2. AMENDMENT.** NOW BE IT ORDAINED AND ENACTED by the City Council of the City of Jordan that City Code Sections 153.10, 153.13(C), 153.14(A), 154.020, 154.033, 154.047(B), 154.048(A), and 154.125(M) are hereby amended to read as follows:

**§ 153.10 SHORELAND/FLOODPRONE LANDS**

(A) *Warning and disclaimer of liability for flooding.* This chapter does not imply that areas outside flood plain areas or land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Jordan or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decisions lawfully made thereunder. No responsibility or liability shall arise from the design or operation of subdivision drainage facilities dedicated to the City of Jordan until the city has accepted the dedication.

(B) *Subdivision flooding and flood control.* No land shall be subdivided if the City Council finds the land unsuitable for subdividing due to flooding and/or inadequate drainage, water supply, or sewage treatment facilities in accordance with this chapter and the Zoning Ordinance. Any building sites on lots within the flood plain district shall be at or above the regulatory flood protection elevation in accordance with this chapter and the Zoning Ordinance. All subdivisions shall have water supply and sewer disposal facilities that comply with the provisions of this chapter and any applicable building, health or safety codes, including the Minnesota State Building Code. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than 2 feet below the regulatory flood protection elevation. Each of the above requirements shall take into consideration the 100-year flood profile and other supporting material data in the Special Flood Hazard Boundary Map, Flood Insurance Study and/or the Flood Insurance Rate Map.

(C) *Public utilities.* All public utilities and facilities such as gas, electrical, telephone, sewer, and water supply systems to be located in the flood plain shall be elevated or floodproofed in accordance with the Minnesota State Building Code to an elevation no lower than the regulatory flood protection elevation, in accordance with state and federal agency regulations and the city's Zoning Ordinance Shoreland Overlay District.

(D) *Public transportation facilities.*

(1) Railroad tracks, roads and bridges to be located within the Shoreland Overlay District, as defined by the city's Zoning Ordinance, shall comply with this chapter and the Zoning Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure and interruption of these transportation facilities would result in danger to the public health or safety or where the facilities are essential to the orderly functioning of the area.

(2) Minor or auxiliary railroad tracks, roads, or bridges may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety and as long as the construction is in accordance with the rules and regulations of the Minnesota Department of Natural Resources or other state agencies; the Federal Emergency Management Agency or other federal agencies; and/or the city's Zoning Ordinance Shoreland Overlay District.

(E) *Conformance.* Plats within the Shoreland or Floodplain areas shall conform with Chapter 154 of the Jordan City Code.

(F) *Platting*. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

### § 153.13 PRELIMINARY PLAT

(C) *Existing condition requirements*. The following data regarding existing conditions shall be provided:

- (1) Boundary Lines clearly indicated on a survey, including measured distances and angles, which shall close by latitude and departure with a closure error not exceeding 1 foot in 7,500 feet;
- (2) Total acreage in the preliminary plat computed to 1/10 of an acre;
- (3) Location and names of existing or platted streets or other public ways, parks and other public open spaces, permanent buildings and structures, section and corporate lines, and all existing easements with purpose of easement and type and location of any facility or installation that is located in the easement within the tract and to a distance of 350 feet beyond the tract;
- (4) If the proposed subdivision is a rearrangement of a replat of any former plat, the lot and block arrangement of the original plat, along with its original name, shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated;
- (5) Location and size of existing paved streets, railroads, sewers, water mains, gravel pits, culverts or other underground facilities within the tract and to a distance of 350 feet beyond the tract. Also such data as grades, invert elevations and location of catch basins, manholes and hydrants;
- (6) Boundary lines of adjoining platted or unplatted land within 350 feet of the tract and the record owners' names;
- (7) Complete topographic map with contour intervals not greater than 2 feet; waterways, watercourses, lakes, ponds and wetlands with normal high-water mark and 100-year flood elevation indicated along with the other required floodplain labels in Section 153.10(F); existing wooded areas and trees having a diameter of 10 inches or greater identified by species; rock outcrops; power transmission poles and lines; and other significant features; all superimposed on the preliminary plat. An acceptable alternative is to provide a Mylar of the preliminary plat at the same scale as the topographic map containing the required information;
- (8) Soil surveys of the site or the results from representative soil borings;
- (9) Existing zoning of land within and abutting the subdivision

### § 153.14 FINAL PLAT

(A) *Plat Contents*. The final plat for recording purposes shall be prepared in accordance with the provisions of Minnesota Statutes and applicable county regulations. At least 7 copies of the final plat and application shall be submitted to the City Administrator or the Administrator's designee within 360 days after the city approves the preliminary plat. The plat shall contain the following:

- (1) All information required by the County Surveyor, Registrar of Titles and County Recorder;
- (2) Dimensions, size and scale as required by the county for approval by the county board in filing with the County Recorder or the Registrar of Titles;
- (3) Municipal, township, county or section lines accurately tied to the lines of the subdivision by distance and angles;
- (4) Name of the plat;
- (5) Location by section, township, range, county and state and including descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be 1 foot in 7,500 feet;
- (6) Names of adjoining subdivisions and layouts of their streets;
- (7) Location and description of monuments shown in reference to existing official monuments of the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of each lot, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, 3/4 inch or larger in diameter extending at least 14 inches below the finished grade. In situations where conditions

prohibit the placing of markers in the locations prescribed above, offset markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter;

- (8) The location of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines;
- (9) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use;
- (10) Clearly numbered lots and blocks with block numbers shown in the center of the block;
- (11) Names and addresses of the subdivider and surveyor making the plat;
- (12) Scale of plat (the scale to be shown graphically and in feet per inch), date, and north point;
- (13) City Attorney's approval of plat;
- (14) A statement dedicating all easements;
- (15) A statement dedicating all streets, alleys, parks and public open space, and other public areas not previously dedicated; **and**
- (16) A separate copy of the plat labeled "Building Setback Lines" containing the statement: "Building setback lines are hereby established as shown on this copy of the plat, and no building or portion thereof shall be built between this line and the street line." The statement shall be dated and endorsed by the subdivider and the city when the city determines that said statement is consistent with the Zoning Chapter of the City Code and plat approvals; and
- (17) If any portion of the final plat is in a floodplain district, it must conform with the platting requirements in Section 153.10(F).

#### § 154.020 DEFINITIONS

The following terms, as used in this Chapter, shall have the meanings stated. All measured distances expressed in feet shall be to the nearest tenth of a foot. In the event of conflicting provisions in this Chapter, the more restrictive shall apply.

**ABUTTING OR ADJACENT.** Physically touching or bordering upon, or sharing common property line or border. Abutting or adjacent properties or land uses include those that are separated by a drive, street, or other publicly-dedicated right-of-way.

**ACCESS.** A way or means to provide physical entrance to a property.

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

**ACTIVE RECREATION.** Physical activities and/or land uses involving relatively vigorous physical exertion, such as playgrounds, sports fields and courts, swimming, and hiking.

**ACTIVE SOLAR SYSTEM.** A solar energy system that requires external mechanical power to move the collected heat.

**ADULT.** A person who is 18 years old or older.

**ADULT DAY CARE or ADULT DAY SERVICES or FAMILY ADULT DAY SERVICE.** A program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care. Adult day care does not include programs where adults gather or congregate primarily for purposes of socialization, education, supervision, caregiver respite, religious expression, exercise, or nutritious meals.

**ADULT USE.** Any of the activities and businesses described below constitutes "Adult Use" which is subject to the regulations of this Section:

**(1) ADULT BOOK, MEDIA OR MERCHANDISE STORE.** An establishment having at least 20 percent of its stock in trade or stock on display, including any, but not limited to, books, magazines, films, videotape or other media or merchandise which are characterized by emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas.”

**(2) ADULT THEATRE.** An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons within.

**(3) ADULT MINI THEATRE.** An enclosed building with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas.”

**(4) BUSINESS WITH THE FOLLOWING DOMINANT THEMES.** Any business or building which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices and the viewing of excerpts of motion pictures offered for sale or rent.

(a) Specified Sexual Activities are any of the following conditions:

- (i) Human genitals in a state of sexual stimulation or arousal.
- (ii) Acts or explicit representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation or flagellation.
- (iii) Fondling or erotic touching of human genitals, pubic region, buttock or female breast.
- (iv) Excretory functions as part of or in connection with any activities set forth in the above.

(b) Specified Anatomical Areas are any of the following conditions:

- (i) Less than completely and opaquely covered (1) human genitals; pubic region or pubic hair; (2) buttock; and (3) female breast below a point immediately above the top of the areola; and
- (ii) Human male genitals in a discernible turgid state, even if opaquely covered.

**AGRICULTURAL ACTIVITY.** The use of land for the growing and/or production and wholesale distribution of field crops, livestock, and livestock products for the production of income or own use, including but not limited to the following:

(1) Field crops, including but not limited to, barley, beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.

(2) Livestock, including but not limited to, dairy and beef cattle, goats, sheep, hogs, horses, poultry, game birds and other animals including deer, rabbits and mink.

(3) Livestock products, including but not limited to, milk, butter, cheese, eggs, meat, fur and honey.

(4) Trees, shrubs, bushes, and plants for wholesale distribution.

(5) Sod farming.

**AGRICULTURAL BUILDING OR STRUCTURE.** Any building or structure, with the exception of dwelling units, which is used principally for agricultural activities.

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

**ALTERATION.** As applied to a building or structure, is a change or rearrangement in structural parts, or enlargement or the moving from one location to another. When used in connection with public waters or wetlands, is any activity that will change or diminish the course, current or cross-section of public waters or wetlands.

**APARTMENT.** A room or suite of rooms with cooking facilities which is occupied as a residence by one family or a group of individuals living together as a single-family unit. This includes any unit in a building with more than two dwelling units.

**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.

**AGRICULTURAL CONTROL AND BUILDING MATERIALS REVIEW BOARD (REVIEW BOARD).** A board established by the City that consist of the following City officials: City Administrator or designee, Zoning Administrator, and Building Inspector to review building plans to determine if such plans are consistent with the architectural controls and building materials provisions of this Chapter.

**ASSISTED LIVING FACILITY.** A housing development with general services and also provides assisted living services that are subject to the requirements of M.S. Ch. 144G Assisted Living Services.

**AUTO REDUCTION YARD (MOTOR VEHICLE REDUCTION YARD).** A lot or yard where one or more unlicensed motor vehicle, or the remains thereof, is kept for dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment. (See also "Junk Yard").

**AUTO REPAIR MAJOR.** General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers including body work, frame work and major painting service.

**AUTOMOBILE SERVICE STATION.** A building or any portion thereof designed primarily to supply fuel, oil, lubrication and accessories for motor vehicles.

**AUTOMOTIVE SERVICE CENTER.** A facility for the sale, service, and repair or replacement of any one or more of the following: tires, batteries, brakes, transmissions, shock absorbers, exhaust systems and similar parts, including engine tune up, wheel balancing, and alignment, but not including body repair, painting, engine rebuilding, or tire capping.

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, Part 6120.5000.

**BASE FLOOD ELEVATION (BFE).** The elevation of the base flood or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

**BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**BED AND BREAKFAST.** An owner-occupied principal dwelling in which five or less rooms are rented on a nightly basis for a period of less than seven days. Meals may or may not be provided to guests.

**BERM.** A mound of earth with elevation generally above the surrounding area.

**BEST MANAGEMENT PRACTICES (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 City of Jordan, as such documents may be amended, revised or supplemented.

**BLADE.** The extensions from the hub of a wind energy conversion system which are designed to catch the wind and turn the motor to generate electricity.

**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.

**BLOCK, FRONT.** The distance between intersections along one side of a street.

**BLUFF.** A topographical feature such as a hill, cliff, or embankment in which the average grade of any portion of the slope is 30 percent 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 OVERLAY DISTRICT.** The Overlay District shown on Map 1: "Scott County Wetlands & Bluff Areas Map" where potential bluffs exist. This map is located in Appendix A of the Jordan Comprehensive Surface Water Management Plan.

**BLUFF, TOE OF.** The lower side of a bluff where the average slope levels off to 18 percent 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 percent slope.

**BOARD OF ADJUSTMENT AND APPEALS.** A board established by the City to hear and decide appeals regarding zoning and having powers set forth in M.S. § 462.357 and M.S. § 462.359. The Planning Commission shall serve as the Board of Adjustment and Appeals. See SEC. 31.22 of the City Code.

**BOARDER.** An individual, other than a member of the family of the owner, who occupies the dwelling unit or part thereof, who, for consideration, is furnished other services which may include meals.

**BOARDING (ROOMING OR LODGING) HOUSE.** A building, other than a motel or hotel, where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for at least three, but not more than twenty, persons.

**BREWERY, MICRO-DISTILLERY, MICRO-BREWERY, MICRO-WINERY or TAP ROOM.** A small scaled on- or off-sale liquor business, located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or other alcoholic beverages as regulated by the City Code Ch. 111 Alcoholic Beverages.

**BROWNFIELD.** Abandoned, idled, or under-utilized industrial and /or commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination from past business practices.

**BUFFER.** Land area used to visibly separate one area from another or to shield or block noise, lights or other nuisances, or an area of natural, unmaintained, undisturbed ground cover abutting or surrounding a water course, public waters wetland, or wetland.

**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 FACE.** That portion of the exterior wall of a structure which shall be determined by an exterior angle of at least 210 degrees formed by two exterior walls, each being at least 18 feet in length.

**BUILDING HEIGHT, ACCESSORY STRUCTURE.** The highest point of an accessory structure. The highest point of the entire accessory structure cannot exceed the height of the primary structure. See SEC. 154.084, SEC. 154.094, SEC. 154.104, and SEC. 154.114 for full requirements.

**BUILDING HEIGHT, PRINCIPAL.** The vertical distance as measured on a principal structure from the average grade of a building line to: the cornice of a flat roof, the deck line of a mansard roof, the uppermost point on a round or other arch-type roof or the mean distance of the highest gable on a pitched or hip roof.

**BUILDING LINE, SHORELAND.** A line measured across the width of a lot where the main structure is placed in accordance with setback provisions from the ordinary high-water mark.

**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.

**BUILT ENVIRONMENT.** The sum of the parts of a community's physical surroundings formed and shaped by human activity, including buildings, structures, landscaping, earth mounds, roads, signs, trails, and utilities.

**BUSINESS.** Any activity, occupation, sale of goods or services, or transaction that is either licensed or regulated, or both licensed and regulated.

**BWSR.** The Minnesota Board of Water and Soil Resources.

**CAMPGROUND.** Public or private land or premises used or occupied for compensation by campers.

**CANOPY.** Any structure, movable or stationary, attached to and supported by the building and projecting over property.

**CARPORT.** An automobile shelter enclosed on not more than two sides. A carport is not a garage.

**CELLAR.** That portion of the building having more than one-half of its ground floor-to-ceiling height below the average grade of the adjoining ground.

**CHANNEL.** The natural or artificial depression of perceptible extent along Sand Creek with a definite bed and bank to confine and conduct flowing water either continuously or periodically.

**CHILD.** A person who has not reached age 18.

**CHURCH OR SYNAGOGUE.** See "Religious Institutions."

**CITY.** The City of Jordan.

**CLEAR CUTTING.** The entire removal of a stand of trees or vegetation.

**CLUB OR LODGE.** A non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests and where there is no on-sale liquor.

**CLUSTER HOUSING.** 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.

**COLLECTOR VEHICLE.** Any motor vehicle manufactured between and including the years 1925 and 1948, and designated by the registrar of motor vehicles as a classic car because of its fine design, high engineering standards, and superior workmanship, and owned and operated solely as a collector's item, and/or any motor vehicle including any truck that is at least twenty model years old, was manufactured after 1935 and is owned and operated solely as a collector's vehicle.

**COMMERCIAL USE.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**COMMISSIONER.** The Commissioner of the Department of Natural Resources or Department of Public Safety. Appointed members of the Watershed Board or the Watershed Planning Commission.

**COMMON OPEN SPACE.** Any open space, including parks, nature areas, playgrounds, trails, and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

**COMPENSATOR STORAGE.** Excavated volume of material below the floodplain elevation required to offset floodplain fill.

**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.

**COMPREHENSIVE SURFACE WATER MANAGEMENT PLAN.** The City of Jordan's Comprehensive Surface Water Management Plan prepared to meet requirements of the Scott Watershed Management Organization. Adopted and implemented in accordance with M.S. § 103B.231 and Minnesota Rules 8410 for Local Water Management.

**CONDITIONAL USE.** A specific type of structure or land use listed in the official control that may be allowed but only after restrictions as provided in the official control or building codes and upon a finding that: (1) certain conditions as detailed in the Zoning Chapter of the City Code exist; and (2) insofar as practicable, conditions specific to each designated conditional use, and (3) the structure and/or land use conform to the comprehensive plan and are compatible with the existing neighborhood.

**CONDOMINIUM.** Real estate in which (1) separately described portions of a multi-unit building are designated as units and each unit is designated for separate ownership; (2) the remainder of the real estate, which may include portions of the multi-unit building, is designated for common ownership (common elements) solely by the owners of the units; and (3) undivided interests in the common elements are vested in the unit owners.

**CONFORMING LOT.** A lot or parcel legally existing on the effective date of this Ordinance which meets the minimum lot width and lot area requirements of this Ordinance.

**CONSTRUCTION ACTIVITY.** A disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated storm water runoff, leading to soil erosion and the movement of sediment into surface waters or drainage systems.

**CONTROL MEASURE.** A practice or combination of practices to control erosion and attendant pollution.

**CONVENIENCE STORE.** A store containing less than 15,000 square feet and which sells any one or a combination of the following: groceries, pharmaceutical, bakery goods, dairy products, hardware, and variety store items.

**CONVENTIONAL ENERGY SYSTEM.** Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls and energy-distribution components, which uses any source of energy other than solar or windmills. These sources include but are not limited to gas, oil, coal, and nuclear materials.

**COOPERATIVE.** Real estate owned by an association, each of whose members is entitled to a proprietary lease in a unit located on the real estate by virtue of the member's ownership interest in the association.

**COUNCIL.** The City Council of Jordan, Minnesota.

**COUNTY.** Scott County, Minnesota.

**CURB LEVEL.** The grade elevation established by the City of the curb in front of the center of a building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Chapter.

**DAY CARE FACILITY.** A facility which provides one of the following services: Care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis for any part of a 24-hour day; or Care for adults offering a program less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are aimed at maintaining or improving the participants' capabilities for self-care. This does not include programs where adults gather or congregate primarily for purposes of socialization, education, supervision, caregiver respite, religious expression, exercise, or nutritious meals.

**dB (DECIBEL).** The usual unit for measuring the relative loudness of sound.

**DEAD STORAGE.** The permanent pool volume of a water basin, or the volume below the runout elevation of a water basin.

**DECK.** A structure which is either freestanding or attached to a principal or accessory structure, constructed at grade or above grade, intended or designed for use as outdoor living space and unenclosed by solid or non-solid walls or a roof.

**DENSITY.** A measurement of the amount of development located on a tract of land or within an area. For residential, density is measured by the number of dwellings units per acre. For non-residential development, density is measured by the gross square foot area of building(s) per acre, which can be expressed in the form of a number (i.e., 10,000 square feet per acre) or by floor area ratio (i.e., 0.25). See also "Floor Area Ratio (FAR)".

**DEPARTMENT STORE.** A store selling a wide variety of goods arranged in several departments.

**DESIGN REVIEW BOARD.** A board established by the City to review design guidelines and standards to determine if such plans are consistent with design manuals and provisions of this Chapter.

**DESIGN STANDARD.** Specific criteria and limitations placed on development and uses which are intended to protect the public health, safety, and welfare.

**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.

**DETENTION FACILITY.** A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water

**DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**DEWATERING.** The removal of water for construction activity.

**DIRECT SUNLIGHT.** Sunlight unobstructed by any improvement or tree within the solar access space.

**DRAIN OR DRAINAGE.** Any method for removing or diverting water from water bodies, including excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping.

**DRIVE IN.** Any use where products and/or services are provided to a customer in such a manner that the customer does not have to leave the vehicle regardless of whether service is also provided within a building.

**DRIVE THROUGH.** Any use providing the opportunity of selling, serving, or offering goods or services directly to customers in vehicles.

**DRIVEWAY.** A minor private or public way used by vehicles and pedestrians on an individual lot or parcel of land.

**DWELLING.** A building or one or more portions thereof occupied or intended to be occupied exclusively for residence purposes, but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, trailer coaches, or houseboats.

**DWELLING UNIT.** A residential building or portion thereof consisting of one or more rooms, which include toilet and cooking facilities and a sleeping area, physically arranged so as to create an independent housekeeping establishment intended for occupancy by one family, but not including hotels, motels, boarding or rooming houses or tourist homes. The principal types are:

**(1) SINGLE FAMILY.** A free-standing (detached) residence structure designed for or occupied by one family only.

**(2) TWO FAMILY.** A residence structure, commonly referred to as a duplex, designed for or occupied by not more than two families, with separate housekeeping and cooking facilities for each.

**(3) TOWNHOUSE.** A single-family dwelling unit constructed in a group of two or more similar single-family dwelling units, with no other unit above it or below it, with each unit extending from the foundation to the roof, with each unit having a private entrance, and designed for not more than one family.

**(4) MULTIPLE FAMILY.** A residence designed for or occupied by three or more families, either wholly (attached) or partially (detached), with separate housekeeping and cooking facilities for each.

**(5) MULTIPLE FAMILY, SENIOR CITIZEN.** See "Senior Citizen Housing".

**DWELLING, ATTACHED.** A dwelling unit which is joined to another dwelling or building at one or more sides by a party wall or walls.

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

**ESC.** Erosion and Sediment Control.

**EDUCATIONAL FACILITY; SCHOOL FOR THE ARTS.** A school where classes in the various arts (including but not limited to dance, gymnastics, painting, sculpting, singing) are taught to four or more persons at a time, but not more than 20 persons per class.

**EFFICIENCY UNIT.** A dwelling unit with one primary room which serves as a living room, kitchen, and bedroom.

**ELECTRONIC AMUSEMENT DEVICE OR GAME.** A mechanical or electronic amusement device or machine which, upon the insertion of a coin, token or slug, operates or may be operated or used for a game, contest or amusement of any description and which contains no payoff in money, coins, checks or merchandise other than a free game(s) at the same machine. Said item includes pinball machines; miniature pool tables; bowling machines; shuffle-boards; electric rifle or gun games; miniature mechanical or electrical games patterned after baseball, football, basketball, hockey, soccer or similar games; electric work and test games; and electric video games of sports, words or aptitude used solely for amusement and not as gambling devices. This term does not include jukeboxes, food vending machines or children's amusement devices.

**ENERGY DISSIPATION.** Methods employed at pipe outlets or along pipe alignments to prevent erosion including, but not limited to: concrete aprons, riprap, collars, splashguards, and gabions.

**ENERGY STORAGE FACILITY.** Equipment consisting of containers, heat exchanges, piping and other transfer mechanisms (including fluids, gases or solids), controls and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

**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.

**EROSION.** The wearing away of the ground surface as a result of the movement of wind, water and/or ice.

**EROSION CONTROL.** Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

**ESSENTIAL SERVICES.** Overhead or underground electric, gas, steam or water distribution systems and structures or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

**EXTERIOR STORAGE.** The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

**EXCAVATION.** The mechanical removal of earth material.

**FALL ZONE.** The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. The fall zone radius will be assumed to be equal to the tower height. This distance may be reduced if the applicant provides a registered engineer's certification that the wind energy conversion system is designed to collapse, fall, curl, or bend within a distance shorter than the tower height, or such certification is provided by the tower manufacturer.

**FAMILY.** An individual; two or more persons related to each other by blood, marriage or adoption; or not more than four persons not so related who maintain a common household with cooking and kitchen facilities.

**FARM.** See "Agricultural Activity."

**FARM FENCE.** – An open type of fence of posts and horizontally run wire, further defined by Minnesota Statutes, Section 344.02, Subd. 1(a-d), and is not considered to be a structure under this ordinance.

Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this chapter.

**FEDERAL AVIATION ADMINISTRATION (FAA).** The governmental agency responsible for regulating airways in the United States.

**FEEDER LINE.** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

**FEEDLOT.** A place of confined feeding of livestock, poultry or other animals for food, fur, pleasure or resale purposes, in a yard, lot, pen, building or other area not normally used for pasture or crops and in which substantial amounts of manure or related other wastes may originate by reason of such feeding of animals.

**FENCE.** Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure and located along the boundary, within the required yard, or elsewhere on the property. Fence height shall be measured from the normal grade adjacent to the fence line.

**FILL.** A deposit of earth material placed by artificial means.

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

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

**FLOOD FRINGE.** That portion of the flood plain outside the floodway. Flood fringe shall have the same meaning as the term "floodway fringe" as used in the Flood Insurance Study for the City of Jordan.

**FLOOD INSURANCE RATE MAP.** An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM)

**FLOOD INSURANCE STUDY.** The study referenced in Section 154.503, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

**FLOODPLAIN.** The beds and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the base flood. The flood plain includes the floodway and the flood fringe.

**FLOOD PRONE AREA.** Any land susceptible to being inundated by water from any source.

**FLOOD PROOFING.** A combination of structural provisions, changes, or adjustments made 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.

**FLOODWAY.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the base flood discharge.

**FLOOR AREA.** The sum of the gross horizontal area (measured from the exterior faces of the exterior walls or from the centerline of party walls separating two buildings) of each floor of a building. In particular, floor area shall include

(1) Basement space if at least one-half of the basement story is above the established curb level or above the average level of the finished grade if a curb level has not been established;

- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment, open or enclosed, located on the roof such as bulkheads, water tanks and cooling towers;
- (4) Attic floor space where the structural headroom exceeds seven and one-half feet;
- (5) Interior balconies and mezzanines;
- (6) Enclosed porches but not terraces, breezeways and screened porches;
- (7) Accessory uses other than floor space devoted exclusively to accessory off-street parking or loading.

**FLOOR AREA RATIO.** The numerical value obtained through dividing the gross floor area of a building by the net area of the lot or parcel of land on which such building is located.

**FLOOR PLAN.** A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

**FOSTER CARE FOR ADULTS.** A program operating 24 hours a day that provides functionally impaired adults with food, lodging, protection, supervision, and household services in a residence, in addition to services according to the individual service plans under Minnesota Rules, part 9555.5105, subpart 18. (M.S 245.02)

**FRONTAGE.** The boundary of a lot which abuts an existing or dedicated public street.

**FUNERAL HOME.** A funeral home is defined as a business which provides a wide variety of funeral services as defined by M.S. § 149A.02, Subd. 23. A funeral home may have a maximum of one crematory retort under the following conditions:

- (1) The retort is located within the same structure as the funeral home;
- (2) The crematory retort complies with all state and federal statutes, regulations and requirements;
- (3) The crematory retort is used only for bodies for which the funeral home has prepared such body for cremation.

**GARAGE, PRIVATE.** An accessory building or accessory portion of the principal building which is intended for and used to store property of the family, or families, resident upon the premises as required by this Chapter.

**GARAGE, PUBLIC.** Any premises used for the storage or care of motor vehicles or premises where any such vehicles are equipped for operation, are repaired, or are kept for rental, or for sale. Any sale of gasoline, oil, and accessories are only incidental to the principal use.

**GRADE (ADJACENT GROUND ELEVATION).** The lowest point of elevation of the finished ground, paving, or sidewalk surface between the building and the property line or between the building and a line five feet from the building when the property line is more than five feet from the building.

**GROUND FLOOR AREA.** The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached garages which do not exceed 12 feet in height.

**GROUND FLOOR-AREA RATIO.** The numerical value obtained through dividing the gross ground floor area of a building by the net area of the lot or parcel of land on which such building is located.

**GROUP FAMILY DAY CARE.** Day care for no more than 14 children at any one time.

**HELIPORT.** An area either at ground level or elevated on a structure licensed or approved for the landing and takeoff of helicopters; and including auxiliary facilities such as parking, waiting facility and maintenance equipment.

**HIGHLY SUCEPTIBLE WETLAND TYPE.** A wetland characterized as a sedge meadow; open or coniferous bog; calcareous fen; low prairie; coniferous or hardwood swamp; or seasonally flooded wetland.

**HISTORIC STRUCTURE.** Sites listed on or eligible for the National Register of Historic Places and state- or locally-designated properties

**HOLDING POND.** An area designed or accepted by the City Engineer and approved by the City to retain water to control the flow of stormwater.

**HOME OCCUPATION.** Any gainful occupation or profession engaged in by the occupant of a dwelling and carried on within a dwelling unit. A home occupation does not include the dwelling occupant who works on a hobby at the dwelling and makes a small amount of money at the hobby.

**HORTICULTURE.** The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees and cultured sod.

**HOTEL.** A building which provides a common entrance, lobby, halls, and stairway and in which 20 or more people can be, for compensation, lodged with or without meals.

**HUB.** The center of the rotor to which the blades are attached.

**HYDRIC SOILS.** Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

**HYDROPHYTIC VEGETATION.** Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

**IMPERVIOUS SURFACE.** A structure or paved area that hinders or blocks the absorption of water into the ground. Examples include, but are not limited to, rooftops, sidewalks, patios, driveways, parking lots, storage areas, concrete, asphalt, or gravel roads.

**INFILTRATION AREA.** A stormwater retention method for the purpose of reducing the volume of stormwater runoff by transmitting a flow of water into the ground through the earth's surface (City Ord. 2007-009).

**INFRASTRUCTURE.** The system of public works for a county, state, or municipality including, but not limited to, structures, roads, bridges, culverts, sidewalks; stormwater management facilities, conveyance systems and pipes; pump stations, sanitary sewers and interceptors, hydraulic structures, permanent erosion control and stream bank protection measures, water lines, gas lines, electrical lines and associated facilities, and phone lines and supporting facilities.

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

**INTERIM USE.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permits it.

**JUNK YARD.** An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. Such materials include, but are not limited to, scrap

iron and other metals, paper, rags, rubber, tires, bottles, appliances and lumber. Junk yard includes auto reduction yards but does not include sanitary landfills or uses located entirely within an enclosed building.

**KENNEL.** Any structure or premise on which three or more dogs or cats over six months of age are kept, housed, boarded, bred, or offered for sale.

**LAND DISTURBING OR DEVELOPMENT 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.

**LAND USE PLAN.** A compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semipublic uses or any combination of such uses. A land use plan may also include the proposed densities for development.

**LANDLOCKED BASIN.** A basin that does not have a natural outlet at or below the existing flood elevation as determined using the Simplified Hydrologic Yield Method or other acceptable hydrologic analysis method identified in the Comprehensive Surface Water Management Plan, adopted August of 2006, as amended.

**LANDSCAPING.** Plantings such as trees, grass, ground cover, and shrubs.

**LAUNDROMAT.** A facility where patrons wash or dry clothing or other fabrics in machines operated by the patron and/or a business that provides washing, drying and ironing for hire by an employee of the facility. Does not include dry cleaning of clothing or other fabrics onsite.

**LEAST SUCEPTIBLE WETLAND TYPE.** A wetland characterized as a gravel pit, cultivated hydric soil, dredged material or fill, or material disposal site.

**LICENSED RESIDENTIAL FACILITY.** A residential structure typical of those in the neighborhood housing persons who receive the care and supervision of a "supervised residential program" or "social rehabilitation program" and adults who operate the dwelling unit as a home.

**LIVEABLE FLOOR AREA.** Finished living space in a dwelling unit, but not including a cellar or garage.

**LOCAL GOVERNMENT UNIT (LGU).** The City of Jordan, Minnesota.

**LOCAL WATER PLAN.** The City of Jordan's Comprehensive Surface Water Management Plan, as amended.

**LODGING ROOM.** A room, without cooking facilities, which is rented as sleeping and living quarters. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

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

**LOT AREA.** The area of a lot in a horizontal plane bounded by the lot lines.

**LOT AREA PER UNIT.** The number obtained by dividing the lot area by the number of dwelling units on or proposed for the property.

**LOT, CORNER.** A lot situated at the junction of and abutting on two or more intersecting streets or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT DEPTH.** The mean horizontal distances between the front lot line and the rear lot line of a lot.

**LOT, INTERIOR.** A lot which is not a corner lot.

**LOT LINE.** The property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the lot line of such public right-of-way shall be deemed to be the lot line for applying setback and yard requirements.

**LOT LINE, FRONT.** The boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot, the front lot line shall be the shortest dimension on a public street; if the dimensions of a corner lot are equal, the front line shall be designated by the owner.

**LOT LINE, REAR.** The boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE.** Any boundary of a lot which is not a front or rear lot line.

**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 one 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.

**LOT WIDTH.** The maximum horizontal distance between the side lot lines of a lot measured within the first 30 feet of lot depth.

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

**LOWEST FLOOR.** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

**LOW FLOOR ELEVATION.** The finished surface elevation of the lowest floor of a structure.

**MAJOR WATERSHED.** One of the 87 major watershed units delineated by the map titled State of Minnesota Watershed Boundaries, 1979, produced by the Minnesota Department of Natural Resources as included in the Wetland Conservation Act Rules 8420.0549.

**MANUFACTURED HOME.** A structure, transportable in 1 or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 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, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**MANUFACTURED HOME PARK.** Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structures, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

**MANUFACTURED HOME SITE.** An area of ground in a manufactured home park of not less than 5,000 square feet designated as a location for one manufactured home.

**MANUFACTURED HOME STAND.** The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures or additions.

**MARQUEE.** A permanent roofed structure attached to and supported by the building and projects over property.

**METEOROLOGICAL TOWER.** Those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting wind energy conversion system. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

**MINING.** The extraction and removal from a site of sand, gravel, rock, black dirt, peat, soil or other material. Removal of materials associated with construction of a building is not considered mining, provided such removal is approved in the building permit.

**MINI-WAREHOUSE.** A building or group of buildings in a controlled-access, screened, and secured compound that contains individual compartmentalized and controlled-access storage spaces of varying sizes which are leased or rented for storage purposes on an individual basis.

**MINNESOTA POLLUTION CONTROL AGENCY (MPCA).** The State organization responsible for the NPDES/SDS permitting system.

**MODERATELY SUCEPTIBLE WETLAND TYPE.** A wetland characterized as shrub-carr, alder thicket; fresh wet meadow not dominated by reed canary grass; or shallow or deep marsh not dominated by reed canary grass, cattail, giant reed, or purple loosestrife.

**MODULAR BUILDING, INDUSTRIALIZED.** A building of closed construction made or assembled in manufacturing facilities off the building site, for installation, or assembly and installation, on the building site, and is constructed so that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage, destruction. This does not include “manufactured home” or “prefabricated home”, which are each defined separately.

**MOTEL.** A building or group of detached, semi-detached or attached buildings that contains guest rooms with garage or parking space conveniently located to each unit and that is designed, used or intended to be used primarily for the accommodation of automobile travelers.

**MSL.** Mean Sea Level. It represents the average 19-year height of the surface of the sea for all stages of the tide.

**NEIGHBORHOOD.** A geographic area defined by boundaries within which residents conveniently share the common services and facilities in the vicinity of their dwellings.

**NEW CONSTRUCTION.** Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this zoning chapter.

**NOISE.** Any activity which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property (or if a condominium or apartment house, within any adjoining apartment) above the ambient noise levels as designated by the NAC noise table at the time and place and for the duration then mentioned.

**NON-CONFORMING BUILDING OR STRUCTURE.** See “Structure, Non-Conforming”.

**NON-CONFORMING LOT.** A lot or parcel legally existing on the effective date of this Chapter which does not meet the minimum lot width or lot area requirements of this Chapter or on the effective date of a new land use regulation.

**NON-CONFORMING USE.** A use of land, buildings, or structures legally existing on the effective date of this Chapter which does not comply with the regulations herein governing the zoning district in which such use is located. Any use which has been allowed as a conditional use shall not be considered non-conforming.

**NON-POINT SOURCE.** Nutrient and pollution sources not discharged from a single point, e.g. runoff from agricultural fields, feedlots or urban streets.

**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.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)/STATE DISPOSAL SYSTEM (SDS).** This permitting system is managed by the Minnesota Pollution Control Agency (MPCA).

**NRCS.** The Natural Resource Conservation Service.

**NURP.** The Nationwide Urban Runoff Program developed by the Environmental Protection Agency to study storm water runoff from urban development.

**NURSING HOME.** A licensed facility or part of a licensed facility which provides nursing care to five or more persons. This does not include a facility or part of a facility which is a hospital, a hospital with approved swing beds as defined in M.S. 144.562, clinic, doctor's office, diagnostic or treatment center, or a residential program licensed pursuant to M.S. § 245A.01 - M.S. § 245A.16, or M.S. § 252.28 and M.S. § 144A.01 Subd. 5.

**OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain 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 or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**OPEN SALES LOT (EXTERIOR STORAGE).** Any land used or occupied for the purpose of buying, selling, leasing, renting or trading goods, materials or merchandise where such goods are not enclosed in a building

**OFFICIAL MAP.** A map adopted in accordance with M.S. § 462.359, which may show existing and proposed future streets, roads, highways, and airports of the municipality, the area needed for widening of existing streets, roads, and highways of the municipality, and existing and future county state aid highways and state trunk highway rights-of-way. An official map may also show the location of existing and future public land and facilities within the municipality.

**OPEN SPACE.** Land preserved apart from development. An open area, including passive and active recreation, unimproved land, pedestrian plazas, parks, nature areas, playgrounds and trails, but not including holding ponds.

**OPEN SPACE RECREATIONAL USE.** A recreational use particularly oriented to and utilizing the outdoor character of an area, including hiking and riding trails, primitive campsites, campgrounds, wayside parks, and recreation areas.

**ORDINARY HIGH WATER (OHW) LEVEL.** 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. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

**OUTDOOR STORAGE.** A commercial seating area for business patrons which is not located in an "Indoor Area" as defined by M.S. § 144.413, Subd. 1a.

**OUTLOT.** A tract of land identified by a capital letter and is land that is not part of a block.

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

**PARCEL.** A parcel of land designated by plat, metes and bounds, registered land survey, auditors subdivision, or other accepted means and separated from other parcels or portions by its designation.

**PARK AND RECREATION COMMISSION.** The Park and Recreation Commission of City, except when otherwise designated. See SEC. 31.23.

**PARKING LOT.** Five or more parking spaces, along with the driveway connecting the parking spaces to the street or alley and permitting satisfactory ingress and egress of an automobile, and the driving lane between or servicing the parking spaces.

**PARKING SPACE.** A suitably surfaced and permanently maintained area on privately owned property, either within or outside a building, of sufficient size to store one standard automobile.

**PASSIVE RECREATION.** Recreational opportunities oriented toward relaxing and relatively non-physical activities, such as picnicking, fishing, and walking.

**PASSIVE SOLAR SYSTEM.** A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.

**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.

**PERFORMANCE STANDARD.** See Design Standard.

**PERMITEE.** The person or political subdivision in whose name a permit is issued pursuant to this Chapter.

**PERSON.** Any individual, trustee, partnership, unincorporated association, limited liability company, or corporation.

**PLANNED UNIT DEVELOPMENT PLAN.** A general plan drawn to scale for development of property requested to be zoned PUD and which identifies at least the use of the property, the intensity of the uses expressed in number and type of dwelling unit; gross square feet in commercial, industrial or other uses; general location and size of proposed buildings; public and private streets and roadways within and adjacent to the property; access points, parking areas and the number of spaces; open space to be preserved and open space to be created; general vegetation; legal description; total acreage; graphic scale and north point.

**PLANNING COMMISSION.** The Planning Commission of City, except when otherwise designated. See SEC. 31.21.

**PLAT.** The drawing or map of a subdivision prepared for filing of record pursuant to M.S. Ch. 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to section M.S. § 462.358 and M.S. Ch. 505.

**POLITICAL SUBDIVISION.** A county, city, town, school district, or other local government jurisdiction to which the state provides state aids or on which the state imposes state mandates or so named by statute.

**PRE-CUT HOME.** A non-mobile housing unit in which the lumber components for the walls, floors and ceilings, roof and structured member are pre-cut at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

**PREFABRICATED HOME.** A single-family or multi-family dwelling unit constructed of walls, floors, ceilings and other building components that have been separately constructed off of the building site and are then transported to the building site for assembly and installation.

**PROOF OF PARKING.** An area of a lot other than that area secured for yards, usable open space or landscaping which is allocated for parking but is not paved or striped.

**PROPERTY LINE.** The legal boundaries of a parcel of property.

**PROPERTY OWNER.** A person, association or corporation having a freehold estate interest; a leasehold interest extending for, or a renewal option for, a term in excess of one year; a dominant easement interest; or an option to purchase any of same. This term shall not include owners of interests held for security purposes only.

**PROTECTED WATERS.** Any lake, pond, or flowage greater than 10 acres in size and Sand Creek per Minnesota Rules 6120.2500 - 6120.3900.

**PROTECTIVE COVENANT.** A contract entered into between private parties which constitutes a restriction on the use of a particular parcel of property.

**PUBLIC HEALTH AND GENERAL WELFARE.** As defined in M.S. § 103D.011, Subd. 23 and 24.

**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 IMPROVEMENT PROJECT.** A public road or utility project that provides a common benefit to the community (such as, but not limited to, collector and arterial roads, and trunk stormwater facilities) and can be included in an approved Capital Improvement Plan or Transportation Plan.

**PUBLIC LAND.** Land owned or operated by a municipality, school district, county, state or other governmental unit.

**PUBLIC OPEN SPACE.** Open space owned by the city, county, state, school district or other special district.

**PUBLIC WATERS.** Waters of the state as defined in M.S. § 103G.005, Subd. 15.

**PUBLIC WATERS WETLANDS.** All Type 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2.5 or more acres in incorporated areas.

**QUALITY PATIO FURNITURE.** Non-folding furniture of sufficient durability to withstand high volume use that is maintained in good condition to protect health and public safety of customers and heavy enough to prevent tipping and breaking under normal conditions.

**REACH.** A hydraulic engineering term to describe a longitudinal segment of a stream influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

**RECLAMATION LAND.** Any parcel upon which 400 cubic yards or more of fill is deposited to elevate grade.

**RECREATION EQUIPMENT.** Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 20 feet in length, picnic tables, lawn chairs, ice fishing houses, utility trailers and other equipment generally towed behind another vehicle used for non-commercial purposes, barbecue stands and similar equipment or structures. This definition shall not include tree houses, swimming pools, and play houses exceeding 25 square feet of floor area or sheds utilized for storage of equipment.

**RECREATIONAL VEHICLES; LARGE AND SMALL.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

**RECREATION, PUBLIC.** All uses that are commonly provided at parks, playgrounds, community centers and other such sites owned and operated by a unit of government for the purpose of providing recreation to the public.

**REDEVELOPMENT.** The rebuilding, repair or alteration of a structure, land surface or facility that creates less than 1 acre of new impervious surface, involves greater than one acre of land disturbance, and for which over 50 percent of the parcel involved is disturbed by a land disturbing activity. Note: for the purposes of these Ordinances if an activity creates more than one acre of new or additional impervious surface the activity is considered new development and exceptions in these Ordinances for redevelopment do not apply to the increased (new) impervious surface.

**REGISTERED LAND SURVEY.** A survey map of registered land designed to simplify a complicated metes and bounds description by designating the same as a tract or tracts of a registered land survey number.

**REGULATORY FLOOD PROTECTION ELEVATION (RFPE).** An elevation not less than one foot above the elevation of the base flood.

**RELIGIOUS INSTITUTIONS.** A building, together with its accessory buildings and uses, which is maintained and controlled by a religious body which is organized to sustain public worship and where persons regularly assemble for religious worship.

**REPETITIVE LOSS.** Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

**RESTURANT.** A place where food and beverages are prepared, served, and consumed by the general public for a fee. Restaurants are divided into three classes. If a restaurant offers services which cause it to meet the definition of more than one restaurant class, the restaurant shall be classified in the most restrictive classification, regardless of the amount of the various uses involved.

**(1) RESTAURANT CLASS I.** A sit down restaurant with on-sale liquor.

**(2) RESTAURANT CLASS II.** A sit down restaurant, including cafeterias, without on-sale liquor.

**(3) RESTAURANT CLASS III.** A fast food or drive-in restaurant.

**RETENTION.** The prevention of direct discharge of storm water runoff into receiving water or conveyance networks; examples include systems that discharge through percolation, exfiltration, infiltration and evaporation processes that generally have residence times of less than three days.

**RETENTION FACILITY.** A permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

**REZONING.** The process whereby the zoning classification or specific regulations applicable to a property is/are changed from one district or applicable set of rules to another.

**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.

**ROAD.** A right-of-way affording pedestrians and vehicles primary access to abutting properties, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or otherwise. Ingress and egress easements shall not be considered roads.

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

**ROTOR.** The wind energy conversion system blades and the hub to which they are attached.

**ROTOR DIAMETER.** The diameter of the circle described by the moving rotor blades

**RUNOFF.** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SCREENING.** The use of plant materials, fences or earthen berms to partially conceal the separate land use from the surrounding land use.

**SCOTT SWCD.** The Scott Soil and Water Conservation District.

**SEDIMENT.** The solid mineral or organic material that is in suspension, is being transported, or has been moved from its original location by erosion and has been deposited at another location.

**SEDIMENTATION.** The process or action of depositing sediment.

**SELECTIVE CUTTING.** The removal of single scattered trees.

**SENIOR CITIZEN HOUSING.** A housing development specifically designed for and occupied by elderly persons under a Federal, State, or local government program or that is occupied solely by persons who are 62 or older or houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older.

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

**SEWAGE.** Any water-carried domestic waste, exclusive of footing drainage and stormwater runoff, of any residence, industry, agricultural or commercial establishment, whether treated or untreated, including the liquid wastes produced by bathing, laundry, or culinary operations, and from toilets and floor drains.

**SEWAGE, RAW.** Sewage which has not been subjected to any treatment process.

**SHADOW/FLICKER.** The shadows cast from wind energy conversion system which generally occurs in close proximity to the wind energy conversion system, although this will vary depending on the time of year, latitude, and turbine height. Flicker effects can occur when the sun shines through the rotor blades at certain times of day and results in the temporary blocking of the sun's rays with each pass of a rotor blade.

**SHOPPING CENTER.** A group of commercial establishments built on a site which is planned and developed as an operating unit and typically sharing common space and services such as parking, maintenance and advertising.

**SHORELAND ALTERATION.** Grading or filling of shoreland areas or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water.

**SHORELAND DISTRICT.** City of Jordan Shoreland Ordinance regulates the shoreland areas within the City of Jordan. Generally Shoreland District consists of land located within a floodplain, within 1,000 feet of the OHW of a public water or public waters wetland or within 300 feet of a stream or river.

**SHORE IMPACT ZONE.** Land located between the ordinary high water level of a public body of water and a line parallel to it at a setback of 50 percent of the structure setback.

**SHORELAND SETBACK.** The minimum horizontal distance between a structure and the ordinary high water mark.

**SITE PLAN.** A plan for the development of a tract of land drawn to scale, including but not limited to identifying the proposed uses; the location and dimensions of all proposed structures; public and private streets and roadways on or abutting such tract, parking areas, ground covers; total acreage of the tract, legal description, number of dwelling units, if any, and number of bedrooms for each; the gross floor area, the floor area and ground floor area of all buildings and structures; and the graphic scale to which the plan is drawn.

**SOLAR ACCESS SPACE.** The airspace needed above all lots within the zoning district to prevent any improvement, vegetation or tree located on said lots from casting a shadow upon any solar device located within said zone greater than the shadow cast between the hours of 9:30 a.m. and 2:30 p.m., central standard time, on December 21, by a hypothetical vertical wall ten feet high located along the property lines of said lots. This Chapter shall not apply to any existing improvement, tree or vegetation which casts a shadow upon a solar device at the time of installation of said device.

**SOLAR COLLECTOR.** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.

**SOLAR ENERGY.** Radiant energy (direct, diffuse, and reflected) received from the sun.

**SOLAR ENERGY SYSTEM.** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). To qualify as a solar energy system, the system must be permanently located for no less than 90 days in any calendar year beginning with the first calendar year after completion of construction.

**SOLAR SKYSPACE.** The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

**SOLAR SKYSPACE EASEMENT.** A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three-dimensional space in which obstruction is prohibited or limited, the times of day during which direct sunlight to the solar collector may not be obstructed, or a combination of the two.

**SOLAR STRUCTURE.** A structure designed to utilize solar energy as an alternative for or supplement to a conventional energy system.

**SLIGHTLY SUSCEPTIBLE WETLAND TYPE.** A wetland characterized as a floodplain forest; fresh wet meadow dominated by reed canary grass; or a shallow or deep marsh dominated by reed canary grass, cattail, giant reed, or purple loosestrife.

**SLOPE.** The degree of deviation of a surface from the horizontal; usually expressed in percent or degrees.

**SPA.** A unit which is not drained, cleaned, or refilled for each individual. It may be included, but not limited to hydrojet circulation, hot water, cold water mineral baths, air induction bubbles or any combination

thereof. Industry terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.

**SPECIAL FLOOD HAZARD AREA.** A term used for flood insurance purposes, and synonymous with the term base flood or 1-percent annual chance floodplain.

**STABILIZED.** The exposed ground surface that has been covered by staked sod, erosion control blanket, riprap, mulch, wood fiber blanket or other material that prevents erosion from occurring. Grass seeding alone is not stabilization.

**STANDARD.** A preferred or desired level of quantity, quality, or value.

**START OF CONSTRUCTION.** Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STATE LICENSED RESIDENT PROGRAM FACILITY.** A program that provides 24 hour per day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home, including a program in an intermediate care facility for four or more persons with developmental disabilities; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under M.S. Ch. 254B. Residential programs include home and community-based services for persons with developmental disabilities that are provided in or outside of a person's own home.

(1) A single family use mandated by state statutes consisting of a state licensed residential facility to serve six or fewer persons.

(2) A multi-family use mandated by state statutes consisting of a state licensed residential facility to serve from seven through 16 persons.

**STEEP SLOPE.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

**STORMWATER DETENTION POND.** Natural or created pond area that provides temporary storage of excess stormwater for the purpose of attenuating the peak rate of runoff by controlling the rate of pond discharge. Ponding areas that drain completely between storm events are dry detention ponds. Ponding areas that provide temporary storage in combination with a permanent wet pool are wet detention ponds.

**STORMWATER MANAGEMENT PLAN.** A plan for the permanent management and control of runoff prepared and implemented in accordance with the standards set forth in SEC. 154.330 of the City Code.

**STORMWATER POLLUTION PREVENTION PLAN.** A plan of BMPs or equivalent measures designed to control runoff and erosion and to retain and control sediment on site during the period of land disturbing activities in accordance with the standards set forth by MPCA and SEC. 154.330 of the City Code.

**STORMWATER 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.

**STORMWATER RETENTION POND.** A natural or created ponding area that provides permanent storage of excess stormwater for the purpose of attenuating the peak volume of runoff, from which the only release of flow is by infiltration or evaporation.

**STORMWATER RUNOFF.** Water deposited by rain or other precipitation.

**STORY.** That portion of a building between the upper surface of any floor and the upper surface of the floor next above or, in the case of the top-most story, between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter, or is more than 12 feet above grade at any point, such basement, cellar or unused above-floor space shall be considered a story.

**STREET, RIGHT-OF-WAY.** A public or private thoroughfare with a minimum right-of-way width of 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.  
buildings.

(1) **ALLEY.** A thoroughfare through the middle of a block giving access to the rear of lots or

(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.

(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 designated exclusively for unrestricted movement, have no private access and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing 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.

**STREETSCAPE.** The aesthetic appearance and nature of a street in a neighborhood created by elements such as architecture, graphics, and landscaping.

**STREET PAVEMENT.** The wearing or exposed asphaltic or cementitious surface materials and underlying aggregate base materials of the roadway used by vehicular traffic.

**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.

**STRUCTURAL ALTERATIONS.** Any change, other than incidental repairs, which would prolong or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

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

**STRUCTURE, NON-CONFORMING.** A structure legally existing on the effective date of this Chapter, or subsequent revisions, which does not comply with the most current regulations herein governing the zoning district in which such structure is located.

**STRUCTURE, PRINCIPAL.** The main building on a parcel of land.

**SUBDIVISION.** A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than ten 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.

**SUBSTANTIIONS.** Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 KV for interconnection with high voltage transmission lines shall be located outside of the road right of way.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or 2) Any alteration of a "historic structure," as defined in this section, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**SURFACE WATER.** All streams, lakes ponds, marshes, wetlands, reservoirs, spring, rivers, drainage systems, waterways, watercourses, and irrigation systems whether nature or artificial, public or private.

**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 conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

**SURFACED.** A road, driveway, approach or parking lot which consists of bituminous material, concrete or other similar material.

**SWIMMING POOL, RESIDENTIAL.** Any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by the owner's family and their guests.

**TEMPORARY OUTDOOR SEASONAL SALES.** The temporary sale of agricultural produce, Christmas trees, flowers, food vendors such as ice cream, hot dogs, popcorn stands, fireworks and the like, sold and conducted within the appropriate zoning district in the City of Jordan.

**TOTAL HEIGHT.** The highest point, above ground level, reached by a rotor tip or any other part of the wind energy conversion system.

**TOWER.** Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

**TOWER HEIGHT.** The total height of the wind energy conversion system exclusive of the rotor blades.

**TOWNHOUSE.** See "Dwelling Unit – Townhouse".

**TOXIC AND HAZARDOUS WASTE.** Waste materials including, but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

**TRANSMISSION LINE.** Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**TRANSPORTATION PLAN.** A compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the municipality and its environs, such as streets and highways, mass transit, railroads, air transportation, trucking and water transportation, and includes a major thoroughfare plan.

**TRANSFER STATION.** A solid waste facility at which solid waste collected from any source is temporarily deposited to await transportation to another solid waste facility.

**USABLE OPEN SPACE.** A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or a room unit on the lot and their guests. Such area and improvements shall contain improvements such as outdoor swimming pools, patio area, game area, landscaped and grassy areas containing benches, sculpture gardens, pedestrian paths and trails or similar outdoor fixtures or features. The least dimension of the space so provided shall be 30 feet or greater. Roofs, driveways and parking areas shall not constitute usable open space.

**USE.** The purpose or activity, for which the land or building thereon is intended, designated or arranged or for which it is occupied, utilized or maintained.

**USE, NON-CONFORMING.** A use of land, buildings, or structures legally existing on the effective date of this Chapter or a new land use regulation, which does not comply with the regulations herein governing the zoning district in which such use is located. Any use which has been allowed as conditional use

shall not be considered non-conforming as long as it complies with the conditions of the conditional use permit.

**USE, PERMITTED.** A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular zoning district in which it is located. A use which is not an accessory use, a conditional use, or an interim use and which is allowed in a zoning district.

**USE, PRINCIPAL.** The main use of land or buildings as distinguished from subordinate or accessory use. A principal use may be permitted, conditional, or interim.

**VACATION.** The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

**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.

**WATER BASIN.** An enclosed natural depression with definable banks capable of containing water that may be partly filled with public waters.

**WATER BODY.** All surface waters, water basins, watercourse, and wetlands as defined in this Code.

**WATER-ORIENTED ACCESSORY STRUCTURE OF FACILITY.** A small, above ground 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.

**WATERCOURSE.** Any natural or improved stream, river, creek, ditch, channel, culvert, drain, gully, swale, or wash in which waters flow continuously or intermittently in a definite direction.

**WATERCRAFT.** Any contrivance used or designed for navigation on water. See SEC. 73.03.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

**WATERSHED.** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

**WELLHEAD PROTECTION PLAN.** A document that provides for the protection of a public water supply, submitted to the Minnesota Department of Health, is implemented by the public water supplier, and complies with: A) the wellhead protection elements specified in the 1986 amendments to the Federal Safe Drinking Water Act, United States Code, Title 42, Chapter 6A, Subchapter XII, Part C, Section 300h-7 (1986 and as subsequently amended); and B) Minnesota Rules parts 4720.5200 to 4720.5290.

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

**WETLAND CONSERVATION ACT (WCA).** The Minnesota Wetland Conservation Act of 1991, as amended.

**WIND ENERGY CONVERSION SYSTEM (WECS).** An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers, which operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

**WIND ENERGY CONVERSION SYSTEM, COMMERCIAL.** A wind energy conversion system greater than 40 kW in total name plate generating capacity and designed or operated to provide energy principally to consumers located off the premises and does not meet the requirements established for a non-commercial wind energy conversion system.

**WIND ENERGY CONVERSION SYSTEM, FREESTANDING.** A wind energy conversion system other than roof-mounted.

**WIND ENERGY CONVERSION SYSTEM, NON-COMMERCIAL.** A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics used primarily to reduce on-site consumption of utility power. A non-commercial wind energy conversion system shall not exceed a rated capacity of 40 kW in total name plate generating capacity.

**WIND ENERGY CONVERSION SYSTEM, ROOF-MOUNTED.** A wind energy conversion system affixed to the roof of a building or other structure.

**WIND TURBINE.** A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

**YARD.** A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted by this Chapter. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

**YARD, FRONT.** That portion of the yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to the depth required in the setback regulations for the zoning district in which such lot is located.

**YARD, REAR.** That portion of the yard on the same lot with the principal building located between the rear line of the principal building and the rear lot line and extending the full width of the lot.

**YARD, SIDE.** That portion of the yard extending along the side lot line between the front yard and the rear yard to the depth or width required by the setback requirements of the zoning district in which such lot is located.

**ZERO LOT LINE.** The reduction to zero of a side yard setback requirement permitting the placement of a structure near or adjacent to the side yard lot line; however, no portion of the structure or accessory appurtenance shall project over the lot line.

**ZONING.** A map-based system for guiding land-use development by dividing a city into land-use zones. An associated zoning code specifies the types of acceptable land uses, setbacks, lot sizes, and other restrictions for each zoning classification and affects what an individual may legally do to develop and use parcels therein. It is the method by which jurisdictions control the manner in which areas develop.

**ZONING ADMINISTRATOR.** The duly appointed person charged with enforcement of this Chapter.

**ZONING AMENDMENT.** A majority vote of all members of the City Council is required for a zoning amendment except that a change in classification from residential to commercial or industrial requires a two-thirds vote of all members.

**ZONING DISTRICT.** A mapped area or areas as defined by this Chapter within which the regulations and requirements governing the use of property are uniform.

**ZONING MAP, OFFICIAL.** The map or maps incorporated into this chapter as part thereof, designating the zoning districts. The official map shall be used by the Planning Commission, City staff, and City Council in regard to zoning classifications and districts.

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

#### **§ 154.033 EXISTING NON-CONFORMING USES.**

Any non-conforming structure or use existing upon the effective date of this subchapter may be continued, subject to the following:

- (A) Any non-conformity including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this subchapter may be continued, including through repair, replacement, restoration, maintenance or improvement, but not including expansion, unless:
  - (1) The non-conformity or occupancy is discontinued for a period of more than 1 year; or
  - (2) Any non-conforming use is destroyed by fire or other peril to the extent of greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly-created impact on adjacent property or water body.
  - (3) When a nonconforming structure in the shoreland district with less than 50% of the required setback from the water is destroyed by fire or other peril to greater than 50% of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
- (B) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This division does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters or similar adults-only businesses, as defined by ordinance.
- (C) Any nonconforming structure located in a floodplain district must adhere to Section 154.524.

#### **§ 154.047 CONDITIONAL USE PERMIT**

- (B) *Conditions.* In permitting a new conditional use or the alteration of an existing conditional use, the city may impose, in addition to the requirements set forth above, conditions considered necessary or appropriate to protect the best interests of the surrounding area or the community as a whole. For requests in the floodplain district, see Section 154.521

#### **§ 154.048 VARIANCES.**

- (A) A variance to the literal provisions of this subchapter may be issued to provide a modification or variation where it is determined that their strict enforcement would cause practical difficulties. No use variances may be issued. No variance will be issued that would allow a lower degree of flood protection than the flood-protection elevation. For additional requirements for variance requests in a floodplain district, see Section 154.522

#### **§ 154.125 LOT REQUIREMENTS (SEE TABLE A, RESIDENTIAL LOT REQUIREMENTS TABLE).**

- (M) Manufactured homes may be subject to additional requirements contained in the City Code including, but not limited to the sections governing parking, home occupations, flood plain/shoreland, signs, etc.

**Subdivision 3. REPEAL. NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JORDAN** that Sections 154.201-154.217 of the Jordan City Code is hereby repealed in its entirety.

**Subdivision 4. REPLACEMENT BY NEW SECTIONS 154.500 – 154.526 OF CHAPTER 154. NOW BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JORDAN** that Sections 154.500 – 154.526 shall now read as follows:

# FLOODPLAIN DISTRICTS

## *General Regulations*

### **§ 154.500 STATUTORY AUTHORIZATION.**

This floodplain subchapter is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, Parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations, Parts 59 -78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapters 462.

### **§ 154.501 STATEMENT OF PURPOSE.**

- (A) This subchapter regulates development in the flood hazard areas of the City of Jordan. The flood hazard areas of the city are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- (B) This subchapter is adopted to maintain the community's eligibility in the National Flood Insurance Program
- (C) This subchapter is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

### **§ 154.502 LANDS TO WHICH SUBCHAPTER APPLIES.**

This subchapter applies to all lands within the jurisdiction of the City of Jordan within the boundaries of the Floodway and Flood Fringe Districts, and further detailed in Sections 154.503 and 154.508 of this subchapter.

- (A) The Floodway and Flood Fringe Districts are overlay districts superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
- (B) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the base flood elevations shall be the governing factor in locating the outer boundaries of the 1-percent annual chance floodplain.
- (C) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

### **§ 154.503 INCORPORATION OF MAPS BY REFERENCE.**

The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this subchapter. The attached material includes the Flood Insurance Study for Scott County, Minnesota, and Incorporated Areas, dated February 12, 2021 and the Flood Insurance Rate map panels enumerated below, dated February 12, 2021, all prepared by the Federal Emergency Management Agency. These materials are on file in City Hall.

“Flood Insurance Study: Scott County, Minnesota and Incorporated Areas”

Map Number 27139CIND0A

Map Number 27139C0117E

Map Number 27139C0119E

Map Number 27139C0136E

Map Number 27139C0138E

#### **§ 154.504 ABROGATION AND GREATER RESTRICTIONS.**

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

#### **§ 154.505 WARNING AND DISCLAIMER OF LIABILITY.**

This subchapter does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This subchapter does not create liability on the part of the City of Jordan or its officers or employees for any flood damages that result from reliance on this subchapter or any administrative decision lawfully made hereunder.

#### **§ 154.506 SEVERABILITY.**

If any section, clause, provision, or portion of this subchapter is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

#### **§ 154.507 ANNEXATIONS.**

The Flood Insurance Rate Map panels adopted by reference into Section 154.503 above may include floodplain areas that lie outside of the corporate boundaries of the City of Jordan at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Jordan after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

## *Zoning Districts*

#### **§ 154.508 ESTABLISHMENT OF DISTRICTS.**

- (A) *Floodway District.* Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps adopted in Section 154.503.
- (B) *Flood Fringe District.* Those areas within Zones AE on the Flood Insurance Rate Maps adopted in Section 154.503, but located outside of the floodway.
- (C) *General Floodplain District.* Those areas within Zone A and AE areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps adopted in Section 154.503.

#### **§ 154.509 APPLICABILITY.**

Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 154.512 or 154.513 will apply, depending on the location of a property. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall

within the General Floodplain district. Section 154.514 of this subchapter will be amended with General Floodplain district provisions in the event the City of Jordan acquires such land.

#### **§ 154.510 PERMITS REQUIRED.**

A permit must be obtained from the Zoning Administrator to verify if a development meets all applicable standards outlined in this subchapter prior to conducting the following activities:

- (A) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as in Section 154.020 of this chapter.
- (B) The construction of a dam, on-site septic system, or any fence not meeting the definition of a farm fence outlined in Section 154.020 of this chapter
- (C) The change or extension of a nonconforming use.
- (D) The repair of a structure that has been damaged by flood, fire, tornado, or any other source
- (E) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
- (F) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement culverts and bridges), unless a public waters work permit has been obtained from the Department of Natural Resources.
- (G) Any other type of "development" as defined in this chapter.

#### **§ 154.511 MINIMUM DEVELOPMENT STANDARDS.**

- (A) All new development must be:
  - (1) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - (2) Constructed with materials and equipment resistant to flood damage.
  - (3) Constructed by methods and practices that minimize flood damage.
  - (4) Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - (5) Reasonably safe from flooding and consistent with the need to minimize flood damage within the flood-prone area.
  - (6) Assured to provide adequate drainage to reduce exposure to flood hazards.
- (B) Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- (C) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the flood protection elevation, floodproofed, or protected by structural measures consistent with the standards set forth herein. Furthermore, storage of materials likely to cause pollution of the waters, as defined in Minnesota Statutes, Section 115.01, if subject to flooding are prohibited unless adequate safeguards approved by the state water pollution control agency are provided.

#### **§ 154.512 FLOODWAY DISTRICT (FW).**

- (A) *Permitted Uses.* The following uses, subject to the standards set forth below, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
  - (1) General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, sod farming and wild crop harvesting.
  - (2) Loading areas, parking areas, streets, trails, airport landing strips, railroads, bridges, culverts, utility transmission lines and pipelines.

- (3) Open space uses including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
  - (4) Marinas, boat rentals, permanent docks, piers, wharves, and water control structures and navigational facilities that satisfy Minnesota Rules 6115.0211.
  - (5) Grading and extraction of soil, sand, gravel, and other materials for purposes other than stabilization projects.
  - (6) Residential yards, lawns, gardens, parking areas and play areas provided these uses do not include associated accessory structures.
  - (7) Grading or land alterations associated with stabilization projects. (8) Storage yards for equipment, machinery, or materials.
  - (9) Levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- (B) *Standards for floodway permitted uses.* In addition to the applicable standards outlined in Section 154.511:
- (1) The use must have a low flood damage potential. (2) The use must not involve structures.
  - (3) The use must not obstruct flood flows, or increase velocities, stages, or flood damages, as certified by a registered professional engineer.
  - (4) Development that will change the course, current or cross section of protected wetlands or public waters is required to obtain a public waters work permit in accordance with Minnesota Statutes, Section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, Section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
  - (5) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the base flood.
- (C) *Conditional Uses.* The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 154.523 of this subchapter and further subject to the standards set forth below in this section if otherwise allowed in the underlying zoning district.
- (1) Structures accessory to primary uses listed in 154.512 (A) (1) through 154.512 (A) (4) above and primary uses listed in 154.512 (C) (2) below.
  - (2) Fill and storage of soil, sand, gravel, and other materials for purposes other than stabilization projects.
  - (3) Fences that have the potential to obstruct flood flows.
- (D) *Standards for Floodway Conditional Uses.* In addition to the applicable standards outlined above in this section and in sections 154.511 and 154.523:
- (1) Fill; Storage of Materials and Equipment:
    - (a) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by the use of mulches or similar materials, with permanent vegetative cover established as soon as possible. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
    - (b) Temporary placement of fill, other materials or equipment that would cause an increase to the stage of the base flood may only be allowed if the City of Jordan has approved a plan which assures the removal of the materials from the floodway based upon the flood warning time available.
  - (2) Accessory structures. Accessory structures, as identified above, may be permitted, provided that:
    - (a) Structures shall not be designed for human habitation;
    - (b) Structures will have a low flood damage potential;

- (c) Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
- (d) Structures must be elevated on fill or structurally dry floodproofed and watertight to the regulatory flood protection elevation. Certifications consistent with Section 154.521 shall be required.
- (e) As an alternative, an accessory structure may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. A floodproofing certification consistent with Section 154.521 shall be required.
- (f) A levee, dike or floodwall constructed in the floodway shall not cause an increase in the base flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

**§ 154.513 FLOOD FRINGE DISTRICT (FF).**

- (A) *Permitted Uses.* Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s) that comply with the below standards.
- (B) *Standards for flood fringe permitted uses.* In addition to the applicable standards outlined in Section 154.512:
  - (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation (RFPE). The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation (RFPE). Fill for residential structures must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.
  - (2) *Accessory Structures.* As an alternative to the fill requirements above, any enclosed structures accessory to the uses identified in the above permitted uses must meet the following provisions:
    - (a) Accessory structures shall constitute a minimal investment not to exceed 576 square feet in size, and only be used for parking and storage.
    - (b) Accessory structures must allow for the equalization of hydrostatic pressure by accommodating for the inundation of floodwaters. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
  - (3) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with this section above.
  - (4) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
  - (5) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning/emergency evacuation plan acceptable to the City of Jordan.
  - (6) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet)

multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the base flood.

- (7) Manufactured homes and recreational vehicles must also meet the standards of Section 154.126 of this subchapter.
- (C) *Conditional Uses*. The following uses may be allowed as conditional uses following the standards and procedures set forth in 154.523 of this subchapter and further subject to the standards set forth below, if otherwise allowed in the underlying zoning district(s):
- (1) The placement of floodproofed nonresidential basements below the regulatory flood protection elevation
  - (2) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with this section.
  - (3) The use of methods other than fill to elevate structures above the regulatory flood protection elevation. This includes the use of: stilts, pilings, filled stem walls, or above-grade, internally flooded enclosed areas such as crawl spaces or tuck under garages, meeting the standards of alternative elevation methods in this section below.
- (D) *Standards for flood fringe conditional uses*. In addition to the applicable standards outlined in this section and in sections 154.511, and 154.523:
- (1) The standards for permitted uses in the flood fringe, listed in this section, apply to all conditional uses.
  - (2) Residential basements, as defined in 154.020, are not allowed below the RFPE.
  - (3) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with Section 154.521 shall be required.
  - (4) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
    - (a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the base flood event.
    - (b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the (community).
    - (c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
  - (5) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood; and 3) it is used solely for parking of vehicles, building access or storage. These alternative elevation methods are subject to the following additional standards:
    - (a) Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and include a minimum of two openings on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade, and have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice.
    - (b) Floodproofing certifications consistent with 154.520 shall be required. The structure shall be subject to a deed-restricted nonconversion agreement with the issuance of any permit.

**§ 154.514 RESERVED FOR FUTURE USE.**

## Other Standards

### § 154.515 SUBDIVISION STANDARDS.

All subdivisions must satisfy provisions set in the Subdivision Chapter (Chapter 153)

### § 154.516 MANUFACTURED HOMES.

Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

- (A) New and replacement manufactured homes must be elevated in compliance with Section 154.513 of this subchapter and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (B) New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Chapter 153. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in § 153.10 (B).

### § 154.517 RECREATIONAL VEHICLES.

New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

- (A) Meet the requirements for manufactured homes in § 154.516, or
- (B) Be travel ready, meeting the following criteria:
  - (1) The vehicle must have a current license required for highway use.
  - (2) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
  - (3) No permanent structural type additions may be attached to the vehicle.
  - (4) Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in § 154.511 and § 154.513 (B)(2).

### § 154.518 UTILITIES.

All utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated to the regulatory flood protection elevation (RFPE) or located and constructed to minimize or eliminate flood damage, such as via burial of the facilities. Fuel storage tanks must be constructed to minimize or eliminate flood damage, including but not limited to provisions to prevent such structures from floating and causing downstream damage.

## § 154.519 PUBLIC TRANSPORTATION FACILITIES.

Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 154.512 and 154.513 of this subchapter. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

## § 154.520 ON-SITE WATER SUPPLY AND SEWAGE TREATMENT SYSTEMS.

Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules, Part 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules, Part 7080.2270, as amended.

## Administration

## § 154.521 PERMIT APPLICATION REQUIREMENTS.

- (A) *Application for Permit.* Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
- (1) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
  - (2) Location of fill or storage of materials in relation to the stream channel.
  - (3) Copies of any required municipal, county, state or federal permits or approvals.
  - (4) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- (B) *Certification.* The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this subchapter. An elevation certificate matching FEMA Form 086-0-33 (most updated version) must be provided to the City prior to any structure being occupied or used in any manner. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in the State Building Code. Accessory structures designed in accordance with Section 154.513 of this subchapter are exempt from certification, provided sufficient assurances are documented. A registered professional engineer is required to certify that any development in established floodways must not cause any increase in flood elevations, and development in the general floodplain district will not cumulatively increase flood stages more than one-half foot, or less if increased damages would result.
- (C) *Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.* No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- (D) *Recordkeeping of Certifications and As-Built Documentation.* The Zoning Administrator must maintain records in perpetuity documenting:
- (1) All certifications referenced above in this section as applicable.

- (2) Elevations complying with 154.513 of this subchapter. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.
- (E) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

#### § 154.522 VARIANCES.

- (A) *Variance Applications.* An application for a variance to the provisions of this subchapter will be processed and reviewed in accordance with applicable State Statutes and Section 154.048 of this Zoning Chapter.
- (B) *Adherence to State Floodplain Management Standards.* A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- (C) *Additional Variance Criteria.* The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  - (1) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - (2) Variances may only be issued by a community upon:
    - (a) A showing of good and sufficient cause,
    - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (D) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (E) *Flood Insurance Notice.* The Zoning Administrator must notify the applicant for a variance that: 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (F) *General Considerations.* The community may consider the following variables, and consider imposing conditions on variances and conditional uses:
  - (1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
  - (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
  - (3) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions.
  - (4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner.
  - (5) The importance of the services to be provided by the proposed use to the community.
  - (6) The requirements of the facility for a waterfront location.
  - (7) The availability of viable alternative locations for the proposed use that are not subject to flooding.
  - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

- (9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area.
  - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (G) Submittal of Hearing Notices to the Department of Natural Resources. The Zoning Administrator must submit hearing notices for proposed variances to the Department of Natural Resources sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective area hydrologist.
  - (H) Submittal of Final Decisions to the Department of Natural Resources. A copy of all decisions granting variances must be forwarded to the Department of Natural Resources within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective area hydrologist.
  - (I) Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

#### **§ 154.523 CONDITIONAL USES.**

- (A) *Administrative Review.* An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 154.047 of this zoning chapter.
- (B) *Factors Used in Decision-Making.* In passing upon conditional use applications, the City of Jordan must consider all relevant factors specified in this zoning chapter, and those factors identified in Section 154.522 above.
- (C) *Conditions Attached to Conditional Use Permits.* In addition to the standards identified in Sections 154.512 and 154.513, the City of Jordan may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
  - (1) Limitations on period of use, occupancy, and operation.
  - (2) Imposition of operational controls, sureties, and deed restrictions.
  - (3) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (D) Submittal of Hearing Notices to the Department of Natural Resources. The Zoning Administrator must submit hearing notices for proposed conditional uses to the Department of Natural Resources sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective area hydrologist.
- (E) Submittal of Final Decisions to the Department of Natural Resources. A copy of all decisions granting conditional uses must be forwarded to the Department of Natural Resources within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective area hydrologist.

#### **§ 154.524 CONTINUANCE OF NONCONFORMITIES.**

A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 154.020 of this chapter, are subject to the provisions below.

- (A) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided below in this section. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

- (B) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques allowable in the State Building Code, except as further restricted in below in this section.
- (C) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this subchapter.
- (D) If any structure experiences a substantial improvement, as defined in Section 154.020, then the entire structure must meet the standards of Section 154.512 or 154.513 of this subchapter for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the proposed development, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 154.512 or 154.513 of this subchapter.
- (E) If any nonconformity is substantially damaged, as defined in Section 154.020, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 154.512 or 154.513 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- (F) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 154.020, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.

#### **§ 154.525 VIOLATIONS AND PENALTIES.**

- (A) *Violation Constitutes a Misdemeanor.* Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- (B) *Other Lawful Action.* Nothing in this ordinance restricts the City of Jordan from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.
- (C) *Enforcement.* Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 10.20 of the City Code. In responding to a suspected subchapter violation, the City of Jordan may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Jordan must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

#### **§ 154.526 AMENDMENTS.**

- (A) *Floodplain Designation-Restrictions on Removal.* The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Department of Natural Resources if it is determined that, through other measures, lands are adequately protected for the intended use.
- (B) *Required Approval.* All amendments to this subchapter must be submitted to and approved by the Department of Natural Resources prior to adoption.

(C) *Map Revisions Require Subchapter Amendments.* The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 154.503 of this subchapter.

**Subdivision 5. EFFECTIVE DATE.** This ordinance shall be effective as of February 12, 2021.

ORDAINED by the City Council of the City of Jordan, Scott County, Minnesota this X day of X, 2021.

Mike Franklin, Mayor

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Moved by:  
Seconded by:

Published:  
Filed with Scott County:

Attest: \_\_\_\_\_

Thomas Nikunen, City Administrator