

**VICTORIA
ORDINANCE 440**

**AN ORDINANCE AMENDING THE DEFINITION OF IMPERVIOUS SURFACE/LOT
COVERAGE**

NOW THEREFORE, be it ordained by the Council of Victoria, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “Sec 16-1 Definitions” of the Victoria Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 16-1 Definitions

The following words, terms and phrases, when used in this SECTION, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory apartment means a secondary dwelling unit established in conjunction with and subordinate to a primary dwelling unit, whether as part of the same structure and primary dwelling unit or a detached dwelling unit on the same lot.

Accessory dwelling unit means a residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building.

Accessory use means a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Accessory storage shed means a subordinate structure detached from a principal use for storage of domestic supplies and goods.

Administrative official means the person determined by the city manager or community development director.

Affordable housing means housing units where the occupant is paying no more than 30 percent of gross income for housing costs, including taxes and utilities.

Agricultural use means the use of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops, or feeding, breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including but not limited to, providing riding lessons, training clinics and schooling shows.

Alley means an unnamed public or private right-of-way less than 22 feet wide that is primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage has access from a different street.

Annexation means the act or process of adding land to a governmental unit, usually an unincorporated place, by an ordinance, a court order, or other legal action.

Apartment building means a building or structure arranged, intended, and designed to be occupied by three or more families living independently of each other, and each including its own separate kitchen and bathroom accommodations.

Auto repair, major means general repair, rebuilding of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

Auto repair, minor means the replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstery service.

Basement (lower level) means that portion of a building located partially underground but having half or less than half of its floor-to-ceiling height below the average grade of the adjoining ground.

Board of adjustment and appeals means a quasi-judicial body whose principal duties are to hear and decide matters related to variances and the strict application of the zoning code and to grant special exceptions and conditional uses as provided by law.

Building height means the vertical distance between the ground elevation abutting a building and the midpoint elevation of the highest gable of a pitched or hipped roof.

Building, principal means a building in which the primary use of the lot on which the building is located and conducted. *Building setback line* means the minimum distance prescribed by Code between any property line and the closest point of the foundation or any supporting post or pillar of any related building or structure.

Bulk regulations means the standards and controls that establish the minimum and maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including impervious surface coverage, setbacks, height, and yard requirements.

Cantilever is a rigid structural element with perpendicular connection to a flat vertical surface. Cantilevers may encroach into a required setback by two feet in depth away from the principal structure. Overhang eaves not supported by posts or pillars which do not encroach more than three feet into the setback are permitted.

Central business district means the major downtown center of a community.

Cemetery or *memorial garden* means the land used for the burial or memorialization of the dead.

Certificate of occupancy means the written approval of the building official certifying that a newly constructed structure, addition to an existing structure, or existing structure undergoing a change in use is in full compliance with the provisions of this ordinance and that such structure is habitable and in conformance with all applicable building codes and regulations.

Cluster development means development that divides land into individual lots that may be reduced in order to gain common open space.

Commercial use antenna means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of a building.

Conceptual development plan means a conceptual design by a land developer of a proposed land division for discussion purposes.

Conditional use means a permit which may be granted under the provisions of this title which authorizes a particular use to be made a specific property, subject to compliance with all the terms and conditions contained in the permit.

Condominium complex means a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities.

Corner lot, is a lot located at the intersection of two or more streets. A corner lot is considered to have two front yard and both sides abutting a street are required to meet required front yard setbacks of the zoning district.

Country club means a club with recreation facilities for members, their families, and invited guests.

Curb means a stone or concrete boundary usually making the edge of a roadway or paved area.

Decibel means a unit of measurement of the intensity of sound level.

Deck means a roofless outdoor space built as an aboveground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure.

Density, gross means the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land within a development.

Density, net means the total number of dwelling units divided by the net project area. Net acreage does not include land covered by wetlands, water bodies, public parks and trails, public open space, arterial road rights-of-way, and other undevelopable acres identified in or protected by local ordinance such as steep slopes.

Detached garage means a building or structure not attached to a principal use used or designated to be used for the parking and storage of vehicles.

Development agreement means a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern the development of the property.

Dwelling means a building or part of a building that contains living, sleeping, cooking accommodations, and sanitary facilities for occupancy of one or more families.

Dwelling, multifamily (apartment or condominium) means any building or portion thereof containing three or more rooms or suites which is designed, built, rented, leased and which is occupied at the same time for residence of families or individuals living independently of each other. The units may be attached horizontally, vertically, or both.

Dwelling, rowhome means a multifamily structure consisting of a series, three or more, of attached one-family dwelling units connected by one or more common sidewalls and forming a continuous building with each dwelling unit owned independently.

Dwelling, single family means a standalone home maintained and used as a single-family dwelling unit.

Dwelling, single family association means a single-family dwelling and associated property where all exterior property maintenance, for both common and private properties, is completed by a homeowner's association. Maintenance includes but is not limited to snow removal, lawn care, common landscaping throughout the development and neighborhood and monument sign maintenance.

Dwelling, semi-detached means a single structure containing two one-family dwelling units connected by a common sidewall, with each dwelling unit owned independently.

Dwelling, townhome means a multi-family structure consisting of a series, three or more, of attached one-family dwelling units connected by one or more common sidewalls and/or rear walls, forming a continuous building with each one-family dwelling unit owned independently.

Dwelling unit means a single unit providing a complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Facility, day care means a facility or dwelling unit that provides care for children or adults that do not reside in the facility, are present during daytime hours, and do not regularly stay overnight that may include some instruction.

Facility, private recreational means a recreational facility only open to members and guests of the private organization operating the facility.

Facility, residential care means a facility that provides primarily nonmedical resident services to individuals in need of personal assistance essential for activities of daily living.

Facility, state-licensed residential means a state-licensed and mandatory residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time.

Family means two or more persons related to each other by blood, marriage, or legal adoption living together as a single housekeeping unit; or a group of not more than three persons who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit.

Fee schedule means a payment of funds to the city for any of the applications or other entitlements as determined by the city council.

Fence means an enclosure or barrier for protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Final development plan means a final design of a proposed plan with supported data prepared for development containing those elements and requirements as set forth for final development plans in this Code.

Foot-candle means a unit of measurement referring to illumination incident to a single point. One foot candle is equal to one lumen uniformly distributed over an area of one square foot.

Frontage means the façade of the building that abuts the required front yard as stipulated in this zoning code.

Garage means a building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

Golf course means a tract of land with at least nine holes for playing a game of golf with tees, greens, fairways, and hazards. A golf course can include a clubhouse and shelters as accessory uses.

Grading, excavating means removal, excavating or grading of 100 cubic yards or more of dirt, earth, gravel, sand, clay or other material or a combination of materials on a parcel of land, unless approved as part of the subdivision plan, planned unit development, public improvement project or as part of an approved building permit which includes a plan for grading or excavating.

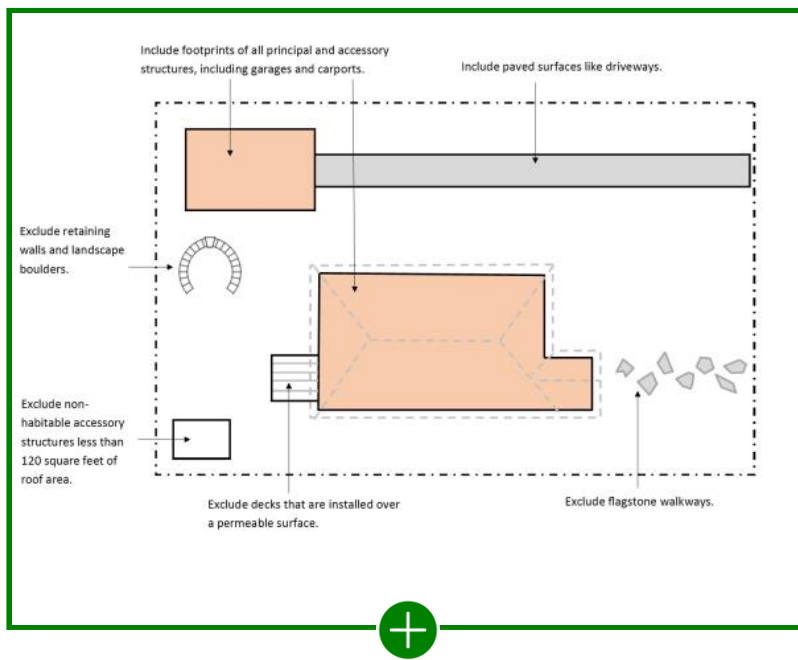
Greenhouse means a building or structure constructed of glass or glasslike material which is devoted to the cultivation of flowers, plants, or produce.

Group home means an establishment qualified for a license by the State of Minnesota which provides resident services to individuals of whom are unrelated. The individuals are handicapped, aged, or disabled, are undergoing rehabilitation or extended care, and are provided services to meet their needs.

Hardship means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Code.

Hotel means a facility offering transient lodging accommodations consisting of ten or more units to the general public and oftentimes providing additional services such as food, meeting rooms and recreational facilities.

Impervious surface/Lot Coverage means the area of a lot occupied by buildings, accessory structures in excess of 120 square feet, parking areas and all paved and gravel surfaces. Buildings shall be measured at the outer edge of the foundation line. Lot coverage shall not include projections for bay windows, permeable walkways (e.g. flagstone), swimming pools, fences, walls and open patterned decks and stairways that are installed over a permeable surface. a surface composed of any material that impedes or prevents natural infiltration of fluid into soil. Impervious surfaces shall include but are not limited to roofs, patios, driveways, sidewalks, parking areas, and accessory structures. ~~Wooden slatted decks and the surface area of a swimming pool shall be considered pervious.~~



Junk means any worn out or discarded materials including but not necessarily limited to scrap metal, inoperable motor vehicles and parts, construction materials, household wastes, including garbage and discarded appliances and yard debris.

Junkyard means any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing or disposal of junk.

Kennel means a place where four or more dogs or four or more cats over four months of age are owned, boarded, bred or offered for sale.

Landfill means filling, placement or grading of 100 cubic yards or more of dirt, earth, gravel, sand, clay or other material or a combination of materials on a parcel of land.

Letter of credit means a letter issued by a bank to serve as a guarantee for payments made to a jurisdiction under specified conditions.

Livestock means any animals or poultry or other fowl except dogs, cats and birds owned by the resident of the premises and kept as pets, but not for commercial sale, except incidental to their character as pets.

Loading space means that portion of a lot or plot designed to serve the purpose of loading and/or unloading all types of vehicles.

Lot means land occupied or to be occupied by a building and its accessory building and having its principal frontage upon a street or officially approved place.

Lot area means the total area bounded by lot lines excluding dedicated public rights-of-way.

Lot, corner means a lot located at the intersection of two streets or a lot bounded on two sides by a curving street two chords of which form an angle of 120 degrees or less, measured on the lot side.

Lot, double frontage means the boundary of a lot abutting a street. On a corner lot, the shortest street lot line shall be the front lot line. On a lakeshore lot there shall be two front lot lines, one on the street side, the other on the lakeside.

Lot depth means the mean horizontal distance between the front and rear lot lines.

Lot, non-riparian means a non-riparian lot does not include shoreland and does not directly abut a body of water. A buffer often separates the lot from a water body.

Lot of record means a lot that is part of a recorded subdivision or a parcel of land that has been recorded at the county recorder's office containing property tax record.

Lot, riparian means land that has shoreland and directly abuts a body of water.

Lot width means the horizontal distance between the side lot lines, measured at right angles to the lot depth at the established front building line.

Lower level (basement) means that portion of a building located partially underground but having half or less than half of its floor-to-ceiling height below the average grade of the adjoining ground.

Minimum floor area means the sum of the areas of the floors of a building used for human occupancy. Cellars, unenclosed porches, attics not used for living space, space in an accessory structure, and area intended for motor vehicle storage are not considered for the calculation of minimum floor area.

Mixed land use means the development of a parcel of land with two or more uses including but not limited to residential, commercial, industrial within the same zoning classification arranged vertically or horizontally.

Municipal facilities means services traditionally provided by local government, including water and sewer, roads, parks, schools, and police and fire protection.

Nursing home means a home licensed by the state of Minnesota for the aged or chronically or incurably ill persons in which food, shelter, and care are provided devoted to the treatment of the sick, elderly or injured.

Official map means a map, adopted the city council through the comprehensive plan showing existing streets and approved proposed streets, parks, and other public places.

Physical features means bodies of water and landforms including but not limited to wetlands, ponds, bluffs, steep slopes, and marshes.

Place of worship means a building or group of buildings or structures, which by design and construction are primarily intended for a group of people gathering on the basis of religion, faith or belief system. Examples include but are not limited to churches, synagogues, mosques and temples.

Planned unit development means an integrated development guided by a total design plan in which the zoning or subdivision regulations may be varied to allow flexibility and creativity in site, building design, land use types, and location in accordance with general guidelines.

Preliminary development plan means a preliminary design by a land developer of a proposed land division including supporting data with proposed layout of streets, blocks, lots and other elements of a plat or subdivision.

Principal structure (principal building) means a building or structure that serves as the predominant use of the lot on which it is located.

Public utility means any person, municipal department, or board fully authorized to furnish and furnishing municipal regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation or water. For the purpose of this Code, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

Public water means a body of water capable of substantial, beneficial public use. For the purposes of this Code, this shall be construed to mean any lake, pond or flowage of 25 acres in size or more or any river or stream with a total drainage area of two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no shoreland previously for a designated private use, authorized by the commissioner of natural resources, shall be exempt from the provisions of this Code.

Retaining wall means a wall or similar structure devised used at a grade change to hold the soil on the up-hillside from [from] slumping, sliding, or falling.

Retirement housing means a residential complex containing dwellings designed for and principally occupied by senior citizens.

School means an institution for the teaching of children or adults including primary and secondary schools and similar facilities.

Setback means a line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Setbacks shall be measured from the rough exterior structural wall to the property line, delineated wetland edge, or floodplain elevation.

Setback, front yard are measured from the property line to the closest exterior structural wall of the proposed or existing structure to the front property line. The front yard will abut the street or private easement that the structure is addressed from. If structures in existence have greater or lesser the required front yard setback, the average setbacks of all existing structures from intersection to intersection connected will be averaged to determine the required front yard setback.

Setback, rear yard is measured from the property line to the closest structural exterior wall of the proposed or existing structure to the rear property line, delineated wetland edge, or floodplain elevation. A rear yard will not abut the street in which the structure is addressed from.

Setback, side yard is measured from the property line, delineated wetland edge, or floodplain elevation to the closest exterior structural wall of the proposed or existing structure. Side yards will run the length of the principal structure.

Sidewalk café means an area located in public right-of-way that includes tables, chairs, benches and appurtenant equipment for exclusive use by patrons of an abutting food establishment, or where the service of food or beverages is offered to persons using such tables, chairs and benches.

Sign, advertising (billboard) means a sign which directs attention to a business, commodity, service activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Sign, backlighting means an illuminated sign where the light source which illuminates the wall behind individual sign letters is hidden from view. The sign letters are opaque and appear as a silhouette against the lighted surface.

Sign, changing means a sign whose message can be readily changed, either by manual or automatic means.

Sign, decorative banner means a piece of fabric attached to a pole or building wall as a decorative display of color to enhance the architecture of a building or a site which does not contain a commercial message.

Sign, direct lighting means an illuminated sign where the source of light is visible.

Sign, flashing means any illuminated or nonilluminated sign, which is not a changing sign as defined in this section, which emits an intermittent or flashing light or creates the illusion of intermittent or flashing light by means of animation or other methods.

Sign, ground means a low profile sign which is attached to a pedestal which is located on the ground and the total height of which does not exceed ten feet, if fronting on Highway 5, and eight feet if fronting on any other street or highway.

Sign, illuminated means any sign which has characters, letters, figures, designs or outlines which are either internally or externally illuminated by an artificial light source.

Sign, indirect lighting means an illuminated sign where the sign reflects the light from an external source.

Sign, internal lighting means an illuminated sign having the source of illumination located inside a translucent panel which is not directly visible.

Sign, mural means any mosaic, mural, painting or graphic art, or combination thereof, which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession or business, or any logo, trademark, trade name or other commercial message.

Sign, mural means any mosaic, mural, painting or graphic art, or combination thereof, which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession or business, or any logo, trademark, trade name or other commercial message.

Sign, political means a temporary sign which advertises or promotes a candidate for public office, a political party or an issue to be considered in a public election.

Sign, portable means a temporary sign which is usually constructed of durable materials and is designed to be readily moved from one location to another.

Sign, private directional means a sign which includes no advertising placed on private property for the purpose of regulating, guiding, warning traffic or persons, or providing other safety information.

Sign, projection means a sign which is mounted on a wall and which projects perpendicular from the wall at approximately 90 degrees and a distance of not more than five feet.

Sign, public means any sign defined as a traffic control sign in the Highway Traffic Regulation Act, any identification sign installed in a public park by a public authority or any other identification, regulatory or warning sign approved by the city council for installation on public land.

Sign, pylon means a sign which is not a ground sign and which is mounted on a pole or post which is partly buried in the ground or attached to a structure other than a building which has a location on or in the ground.

Sign, real estate means a temporary sign which advertises the development, sale, lease or rental of land or buildings.

Sign, rooftop means a sign attached to any roof or any sign attached to a building in any other manner that extends above the wall or parapet wall of the side of the building on which the sign is located.

Sign, rotating means a sign or a portion of a sign which moves in a rotating, oscillating or similar manner other than changing signs.

Sign, temporary means a sign designed to be displayed for a limited period of time that is not permanently fixed to the land or a structure. Temporary signs may be constructed of paper, cloth, canvas, cardboard or any other light and nondurable material. Visual messages on awnings or canopies which are an integral part of the building and which are constructed according to the requirements of the building code shall not be considered temporary signs.

Sign, wall means a sign attached to or erected against an exterior wall surface of a building or structure.

Sign area means the area in square feet of all faces of the sign panel, including the frame. If individual letters are mounted directly on a wall or canopy without a frame, the sign area shall be the area in square feet of the smallest rectangle which encloses the sign message or logo. The sign area of a freestanding multiple face or volumetric sign shall be determined by totaling the area of all faces. The maximum aggregate or total sign area on a lot shall include the sign area of all signs; however, only one side of a double-face or V-type sign structure shall be used in computing total surface area.

Sign height means the distance measured perpendicularly from the highest point of the sign structure to the natural grade level of the ground directly below that point.

Site and building materials plan means a development plan for a lot or lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, floodplain, wetlands, open spaces, means of ingress/egress, parking, grading, drainage, utilities, landscaping, structures, signs, lighting, screening, building elevations and other information which reasonably may be required in order that an informed decision can be made by the city.

Solar collector means any object that uses solar radiation for a useful purpose, including but not limited to windows, walls, roofs, and collectors.

Storage buildings means a building or portion of a building used for the storage of personal property.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if no such floor is above, the space between such floor and the ceiling next above it.

Street means a public right-of-way which affords a principal means of access to abutting property and which has been accepted by the city as a public street.

Structural alterations means any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Structure means anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

Swimming pool means a structure, above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.

Trailer means a vehicle without motor power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include the terms "camp car" and "house car." A permanent foundation shall not change its character.

Utility services means all lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

Use means the purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Use, accessory means a use incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Yard means an open space on the same zoning lot with a building or structure, which yard is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in SECTION 18 of this Code.

Variance means permission to depart from this code when, because of special circumstances applicable to the property, strict application of the provisions of this code deprives such property use that is under identical zoning.

Zoning amendment means a change in the wording, context, or substance of this title or a change in the zoning district boundaries of the official zoning map, to be made a part of this title.

Zoning lot means a plot of ground, made up of one or more parcels of land, which is occupied or may be occupied by a use, building or buildings, including the open space required by this Code.

Zoning map means the map or maps incorporated into this Code as a part hereof, designating the zoning districts.

(Ord. No. 420, § 1, 7-24-2017)

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VICTORIA COUNCIL APRIL 22, 2019.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Black	<u>X</u>	_____	_____	_____
Councilmember Gregory	<u>X</u>	_____	_____	_____
Councilmember McMillan	<u>X</u>	_____	_____	_____
Councilmember Vogt	<u>X</u>	_____	_____	_____
Mayor Funk	<u>X</u>	_____	_____	_____

Presiding Officer

Attest



Thomas C. Funk, Mayor, Victoria



Dana Hardie, City Manager Victoria

