

ARTICLE 2

RULES AND DEFINITIONS

SECTION

- 30-02-01: Application of Rules
30-02-02: Definitions

30-02-01: APPLICATION OF RULES:

- A. The language contained in this Chapter shall be interpreted in accordance with the following rules of construction as applicable:
1. The singular includes the plural and the plural the singular.
 2. The present includes the past and future tenses, and the future tense includes the present tense.
 3. The masculine gender includes the feminine and neuter genders.
 4. Whenever a word or term defined hereinafter appears in this Chapter, its meaning shall be construed as set forth in such definition.
 5. In the event of conflicting provisions, the more restrictive shall apply.
 6. The word “shall” is mandatory and not discretionary.
 7. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirement for the promotion of health, safety, and welfare.

30-02-02: DEFINITIONS: For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given them solely for the purposes of implementation of this Chapter:

Administrative Subdivision. A subdivision where the intent is to permit the adding of a parcel of land to an abutting lot, adjust a lot line or divide an existing lot into two lots.

Alley. A public right-of-way that affords a secondary means of access to abutting property.

Applicant. The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Chapter are being considered for or reviewed.

Attorney or City Attorney. The person designated by the City Council to be the City Attorney for the City of Hanover.

Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake, stream or wetland.

Best Management Practices (BMPs). Best management practices as described in current Minnesota Pollution Control Agency's manual and other sources as approved by the City.

Boulevard. That portion of the street right-of-way between the curb line or edge of pavement and the property line.

Boundary Lines. Lines indicating the bounds or limits of any tract or parcel of land.

Buffer Yard. A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

Build Out Plan. A subdivision or re-subdivision concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots, or undeveloped land adjoining a preliminary plat.

Buildable Land. Contiguous land area occurring within the property lines of a parcel of lot excluding wetlands, steep slopes of twelve (12) percent or greater and/or watercourses and easements for pipelines and utility transmission lines.

Building Line. Also referred to as a setback line, the line beyond which property owners or others have no legal or vested right to extend a building or any part thereof without special permission and approval of the proper authorities.

Butt Lot. See Lot.

Caliper. The diameter of a tree trunk measured six inches above the ground for trees less than four (4) inches in diameter, and twelve (12) inches above the ground for trees more than four (4) inches in diameter.

Capital Improvement Plan. An itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the government, and such other information on capital improvements as may be pertinent.

Certificate of Survey. A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

City. The City of Hanover, Hennepin and Wright County, Minnesota.

City Council. The governing body of the City of Hanover.

Cluster Development. A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

Commissioner. The Commissioner of Natural Resources.

Common Open Space. Any open space including parks, nature areas, playgrounds, trails and recreational buildings and structures owned in common by a group of property owners.

Comprehensive Plan. The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the City or any portion of the City.

Condominium. A form of individual ownership within a multi-unit building with joint responsibility for maintenance and repairs. In a condominium, each unit is under separate ownership, along with an undivided share of common buildings and land.

Concept Plan. Written and graphic documents that indicate in a conceptual form the proposed land uses, design and overall impact on the subject tract and surrounding lands.

Conservation Development. The development pattern and technique whereby lots are arranged in closely related groups to preserve the natural amenities of the land through the creation of common open space. Conservation development may apply to Planned Unit Development Cluster or standard subdivisions.

Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Critical Root Zone (CRZ). An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter, e.g., a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet.

Cul-de-sac. (See Street)

Design Standards. The specifications for the preparation of concept plans, preliminary plats, and final plats indicating, among other things, the optimum minimum or maximum dimensions of such items as rights-of-way, easements, lots and blocks, as set forth in this Chapter.

Designated Authority. A licensed Professional Civil Engineer approved by the City Council.

Developer. A person who submits an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

Development. The act of building structures and installing site improvements.

Double Frontage Lots. See Lot.

Drainage Course. A water course or indenture for the transmission of surface water.

Diameter at Breast Height. The diameter of a tree measured at diameter breast height (four and one-half (4.5) feet from the uphill side of the existing ground level). If a tree splits into multiple trunks below four and one-half (4.5) feet, then the trunk is measured at its narrowest point beneath the split.

Drip Line. The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree or one (1) foot per one (1) inch of diameter, whichever is greater.

Easement. A grant by a property owner for the use of land by the general public, a corporation, or a certain person or persons, for a specific purpose or purposes including but not limited to constructing and maintaining utilities such as sanitary sewers, watermains, electric lines, telephone lines, storm drainage ways and gas lines.

Engineer or City Engineer. The person designated by the City Council to be the City Engineer for the City of Hanover.

Escrow. The deposition of funds in an account maintained by the governmental unit specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Chapter.

Filter Strip. A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintained as a means to slow the velocity of stormwater drainage and to filter sediment and pollutants from the stormwater.

Final Plat. See Plat, Final.

Financial Guarantee. A financial security posted with the City with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the City.

Flood. A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

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 floodplain outside of the floodway.

Floodplain. The areas adjoining a watercourse that have been or hereafter may be covered by the regional flood.

Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood.

Floodway. The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

Frontage. The width of a lot measured at the front setback line as defined by the Hanover Zoning Ordinance.

Grade, Percentage of. The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the centerline of the street.

Hardship. The property in question cannot be put to a reasonable use under the conditions allowed by the official controls: The plight of the landowner is due to circumstances unique to his 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 a hardship if a reasonable use for the property exists under terms of the official controls.

High Water Level. The water level in a watercourse which could be predicted to occur as a result of the critical 100-year runoff event using U.S. Department of Agriculture Soil Conservation Service methodology, as approved by the City.

Improvement, Public. Any drainage facility, street, parkway, park, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established.

Key Map. A map drawn to a comparatively small scale that definitely shows the area proposed to be platted and the areas surrounding it, to a given distance.

Land Disturbance. Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.

Lot. One unit of a plat or subdivision recorded in the Office of the Hennepin or Wright County Registrar of Deeds or Recorder, which unit has frontage on a public street and is occupied, or to be occupied, by a building and its accessory buildings, and including as a minimum, such spaces as are required under this Chapter. Lots may be classified as follows:

- A. **Lot, Butt.** A lot located at the end of a block and located between two corner lots.
- B. **Lot, Corner.** A lot or lots within a plat and situated at the corners thereof so that they are bounded on two sides by streets. This term applies to any lot within the plat at street intersections and bounded on two sides by streets.
- C. **Lot, Interior.** A lot other than a corner lot, including through lots.
- D. **Lot, Through.** A lot fronting on two parallel streets.
- E. **Lot, Base.** Lots meeting all specifications in the Zoning District prior to being subdivided into a two family dwelling, townhouse, or quadraminium subdivision.
- F. **Lot, Double Frontage.** A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.
- G. **Lot, Flag.** A lot without the required full lot width on a public roadway and with access to the public roadway provided to the bulk of the lot by means of a narrow strip or private easement.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot (the greater frontage of a corner lot shall be deemed its depth and the lesser frontage its width).

Lot Frontage. The front of a lot shall be, for the purposes of complying with this Chapter, that boundary abutting a public right-of-way having the least width.

Lot Line. A property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum front building setback line.

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

Minimum Subdivision Design Standards. The guidelines, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary and final plat.

Natural Water Way. A natural passageway in the surface of the earth, so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area or stream.

Normal High Water Mark. A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the normal high water mark is not evident, setbacks shall be measured from the stream bank.

Normal Water Level. A level of water in a watercourse when the watercourse is not in the process of receiving or discharging storm water runoff. The normal water level will typically be the outlet elevation of a pond, lake, or other standing water body.

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

Outlot. A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following: a phase of a development plan showing land that is part of the subdivision but is to be subdivided into lots and blocks at a later date; land that is to be used for a specific purpose as designated in a developer's agreement or other agreement between the City and the developer.

Open Space Recreational Uses. Recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas.

Ordinary High Water Level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point

where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Owner. An individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the land under this Chapter

Parks and Playgrounds. Public land and open spaces in the City dedicated or reserved for recreation purposes.

Pedestrian and/or Bicycle Trail. An easement or land dedication given to the City for the purpose of providing walking and/or bicycling areas to City residents. The trails shall provide recreational opportunity and also access to parks, natural areas, and public land in accordance with the Comprehensive Plan.

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 which may be used for the installation of utility lines.

Percentage of Grade. On street centerline means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.

Person. Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

Planned Unit Development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, or a commercial or industrial development that contains two or more principal buildings. The units or buildings may be for sale, rent, or lease, and may also involve clustering of the units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units.

Planning Commission. The Planning Commission of the City of Hanover, except when otherwise designated.

Plat. The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statute 505, as may be amended and containing all elements and requirements set forth in this Chapter.

Plat, Final. The final map or drawings and accompanying materials on which the developer's plan or subdivision is presented to the City Council for approval and which, if approved, will be submitted to the Office of the Hennepin or Wright County Recorder or Registrar of Titles for filing.

Plat, Preliminary. The preliminary map or drawings and accompanying materials indicating the proposed layout of the subdivision to be submitted to the City for their consideration for compliance with the Comprehensive Plan, the Zoning Ordinance, and these regulations along with required supporting data.

Protective Covenants. A restriction of the use placed upon the property by a present or former owner indicating the manner in which land may be used with the view to protecting and preserving the physical and economic integrity of any given area. Covenants are filed and recorded in the Office of the Hennepin or Wright County Recorder or the Registrar of Titles. Protective covenants are enforced only by the landowners involved and not by the City or other public agency.

Public Water. Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes 1974, Section 105.37, Subdivision 6 as may be amended from time to time.

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

Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonable characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

Registered Land Survey. A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number.

Registered Land Surveyor. A land surveyor licensed and registered in the State of Minnesota.

Regulatory Flood Protection Elevation. A point not less than two (2) feet above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Chapter are required to be elevated or flood proofed.

Re-subdivision. A change in an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or any lot line or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, water main, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated for public use by the recording of the plat on which such right-of-way is established.

Road Right-of-Way Width. The horizontal distance between the outside edges of a road right-of-way.

Setback. The minimum horizontal distance between the foundation wall of a structure and the property line, ordinary high water mark of a wetland or stormwater pond nearest thereto. Within Shoreland Districts, it shall also mean the minimum horizontal distance between a structure and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.

Shoreland. Land located within the following distances from public waters: one thousand (1000) feet from the ordinary high water level of a lake, pond or flowage and three hundred (300) feet from a river or stream or the landward extent of a floodplain designated in Chapter 20 (Zoning Ordinance) of the City Code on a river or stream, whichever is greater. The limits of Shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

Significant Tree. See definition of Tree.

Storm Water Pollution Control Plan. A joint storm water and erosion and sediment control plan that is a document containing the requirements of Zoning Ordinance Article 20-39-00 (Storm Water Pollution Control Regulations) that when implemented will decrease soil erosion on a parcel of land and off-site non-point pollution and sediment damages.

Sketch Plan. See Concept Plan.

Street. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Private, ingress and egress easements shall not be considered streets. City streets shall be categorized by functional classification, as defined by the Hanover Comprehensive Plan.

- A. **Arterial Street.** A type of road that is characterized by limited access and a design capacity to move relatively large volumes of traffic in an expedient manner. Arterials are divided into principal arterials and minor arterials based on their access, the traffic volume they carry and the areas they serve. This roadway classification system is further defined and illustrated in the Transportation Chapter of the City Comprehensive Plan.
- B. **Collector Street.** A type of road that functions to provide connections between neighborhoods and from neighborhoods to areas with concentrations of business. They typically have lower traffic volumes and speeds than arterials, but higher than local streets. Collectors are divided into those roads that are designed to distribute traffic from major generators or from minor collectors to arterial roads (major collectors) and those roads that are designed to distribute traffic from major collectors or arterials to local streets (minor collectors). The roadway classification system is further defined and illustrated in the Transportation Chapter of the City Comprehensive Plan.
- C. **Cul-de-sac.** A minor street with only one outlet and having an appropriate turn around for the safe and convenient reversal of traffic movement.
- D. **Local Street.** A type of road that functions to provide access to adjacent properties and from properties to collectors and/or arterial streets. Speeds and traffic volumes are typically lower than collector or arterial streets. This roadway classification is further defined in the Transportation Chapter of the City Comprehensive Plan.
- E. **Service Street.** A frontage or backage road, marginal access street, or otherwise designated a minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Street Width. The width of the improved surface of the street as measured at right angles or radial to the centerline of the street from curb face to curb face, or on a street without curbs from the outside edge of the improved shoulder to outside edge of improved shoulder.

Subdivision. The creation of one or more lots under the provisions of this Chapter or any division of an existing lot. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Specimen Tree. See Tree.

Tangent. A straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

Tree. Any of the following type of trees, as each is defined herein:

1. Coniferous Tree. A woody plant which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year round.
2. Deciduous Tree. A woody plant which, at maturity, is at least fifteen (15) feet or more in height, having a defined crown, and which sheds leaves annually.
3. Significant Tree. A healthy tree measuring a minimum of six (6) inches in diameter at a distance of fifty-four (54) inches above ground, for deciduous trees, or a minimum of four (4) inches in diameter for coniferous trees.
4. Significant Tree Stand. A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees six (6) inches or larger in diameter or coniferous trees four (4) inches in diameter.
5. Specimen Tree. A healthy hardwood tree measuring equal to or greater than thirty (30) inches in diameter and/or a coniferous tree measuring fifty (50) feet or greater in height.

Tree Certification. A certified inventory of trees on the site after work is complete listing all trees and their final disposition, which is signed by a licensed forester or landscape architect.

Tree Preservation Plan. A plan and inventory certified by a forester or landscape architect indicating all of the significant trees and their locations in the proposed development or on the lot. The tree preservation plan shall include the size, species, tag numbers, and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

Variance. Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

Vertical Curve. The surface curvature on a street, road or highway center line located between lines of different percentage of grade.

Watercourses. Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow that is the result of storm water or ground water discharge. This term does not include man-made piping systems commonly referred to as storm sewers.

Watershed Management or Flood Control Structure. A dam, floodwall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner.

Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Surface water features classified as wetlands in the United States Fish and Wildlife Service Circular #39 (1971 edition) as amended, which shall hereby be incorporated by reference, and is available through out the Minitex interlibrary loan system, and is not subject to frequent change, or by applicable State law. For purposes of this Chapter, wetlands must have the following three attributes:

1. Have a predominance of hydric soils. (Hydric Soils are defined as: soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part).
2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. (Hydrophytic Vegetation is defined as: 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).
3. Under normal circumstances, support a prevalence of such vegetation.

Wetland Transition Area. Land area around a wetland which could be encroached upon by standing water during a heavy storm, and which provides a natural habitat for local wetland plants and animals.

Zoning Administrator. The person designated by the City Council to be the Zoning Administrator of the City of Hanover.

Zoning District. An area or areas of the City (as delineated on the Zoning Map) set aside for specific uses with specific regulations and provisions for use and development as defined by this Chapter.

Zoning District Overlay. A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

Zoning District Underlying (Base). All zoning districts except overlay zoning districts.

Zoning Ordinance. The Hanover Zoning Ordinance, as may be amended, regulating the use of land within Hanover.