

SECTION 3 - DEFINITIONS AND REGULATIONS

3.1 Rules of Language Construction and Definitions

For the purpose of this Zoning Ordinance, certain terms and words are hereby defined as follows:

- a. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The singular number includes the plural and the plural the singular.
- c. The present tense included the past and future tenses and the future the present.
- d. The word "shall" is mandatory and the word "may" is permissive.
- e. All measured distances expressed in feet shall be to the nearest tenth of foot.
- f. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition thereof.
- g. The words used or occupied include the words intended, designed or arranged to be used or occupied.
- h. The word lot includes the words plot or parcel.
- i. The terms found in this Ordinance will be defined as follows:
 1. Abutting: Making contact with or separated only by public thoroughfare, railroad, public utility right-of-way or navigable waters.
 2. Accessory Structure or Building: A non-residential use or structure, or a portion of the main building, subordinate to, and serving the principal use or structure on the same lot and customarily incidental thereto. Among others, garages, sheds, saunas, boathouses, shall be considered accessory structures.
 - " 2.a Accessory Structure or building -- Attached:
An accessory structure joined to the principal structure by a common wall." (amended by Ordinance 118)
 - "2.b Accessory Structure or building --Detached:
An accessory structure not attached to the principal structure." (amended by Ordinance 118)
 3. Accessory Use: A use subordinate to the principal use on the same premises and customarily incidental thereto.
 4. Addition: A physical enlargement of an existing structure.
 5. Alley: A public right-of-way which affords a secondary means of access to abutting property.

6. Animals, Domestic: Rabbits, dogs, cats, birds and similar household pets.
7. Animals, Non-Domestic: Cattle, hogs, horses, bees, sheep, goats, chickens, and other commonly known farm animals.
8. Apartment Building: See "Dwelling, Multiple Family".
9. Automobile Reduction Yard: A lot or yard where one (1) or more unlicensed motor vehicles or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale of scrap, storage, or abandonment.
10. Automobile Repair-Major: General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding and major painting service.
11. Automobile Repair-Minor: The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.
12. Attorney: The City Attorney of Hoyt Lakes, Minnesota, or his authorized representative.
13. Basement: A portion of a building located partially underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
14. Board of Adjustment: Shall be that Board established under Section 5.7 of this Ordinance.
15. Boathouse: A structure used for the storage of watercraft and related equipment. Such structures shall not be used for guest or sleeping quarters, or for saunas.
16. Boundary Lines: Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the City zoning map.
17. Building: Any structure having a roof which may provide shelter or enclosure for persons, animals, or chattel, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
18. Building Height The distance between the average ground level at the building line and the top of the cornice of a flat roof, to the deck line of a mansard roof or to the highest gable on a pitched or hipped roof.

19. Cabin - Seasonal or Recreational: A residence occupied only on a part time basis, not to exceed eight (8) consecutive months, and not requiring public services such as school bus transportation or snow plowing of roads by governmental unit.
20. Carport: An automobile shelter, having one or more open sides.
21. Cellar: That portion of a building having more than half of the clear floor-to-ceiling height below the average grade of the adjacent ground.
22. Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
23. City Engineer: The registered engineer employed by Hoyt Lakes or person otherwise authorized by the City.
24. Club or Lodge: A club or lodge is a non-profit association of persons who are bona fide members paying annual dues, with a use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.
25. Commercial Recreation: Bowling alley, cart tract, golf, skating, tavern, firearms range, automobile camp, and similar uses.
26. Commission: Shall mean the Planning Commission of Hoyt Lakes.
27. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the City of Hoyt Lakes Planning Commission.
28. Conditional Use: A use that would not be appropriate generally or without restriction throughout the zone district but which, if controlled as to number, area, location, or relation to neighborhood, would not be injurious to the public health, safety, morals, order, comfort, convenience appearance, prosperity, or general welfare. Such uses may be permitted in listed zone districts only after approval of a conditional use permit by the City Council.

29. Conditional Use Permit: A permit specially and individually granted by the Council after public hearing thereon by the Commission for any conditional use so permitted in any use district.
30. Council: Shall refer to the City Council of Hoyt Lakes.
31. Curb Level: The elevation of the established curb in front of a building measured at the center of such front.
32. Design Flood Elevation: The elevation of the boundary of the special flood hazard areas indicated as Zone A on the City of Hoyt Lakes FIA Flood Hazard Boundary Maps No. HO1-14 dated July 11, 1975 and as periodically updated by the Federal Insurance Administration.
33. Dwelling: A building or one or more portions thereof occupied or intended to be occupied for residence purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.
34. Dwelling, Attached: A dwelling which is joined to other dwellings at both sides by party walls, as one of a series or not more than eight dwellings arranged in a row including the semi-detached dwellings at the ends.
35. Dwelling, Detached: A single dwelling unit not attached to another dwelling or structure.
36. Dwelling, Multiple Family (Apartment Building): A residential building, or portion thereof, containing two or more dwelling units.
37. Dwelling, Single Family: A residential building containing one detached dwelling unit.
38. Dwelling Unit: A residential accommodation including complete kitchen facilities, permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters for one family.
39. Essential Services (Public Utility Uses): Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings.

40. Exterior Storage (Includes Open Storage): The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
41. Family: An individual, or two or more persons each related by blood marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household and using common cooking and kitchen facilities.
42. Farm: A parcel of land having an area of 5 acres or more which is under cultivation or a parcel 10 acres or more which is fenced and utilized as pasture or a parcel 10 acres or more or any combination of 10 acres or more.
43. Farming: Process of operating a farm for the growing and harvesting of crops and/or raising farm animals, which shall include those necessary accessory buildings, related to operating the farm.
44. Fence: A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.
45. Fish House or Dark House: A portable structure that is used for sport fishing or spearing of fish during the winter months.
46. Floodplain: The area adjoining a river, stream, drainage channel, pond or a low area which is subject to flooding. For the purposes of this Ordinance, the floodplain shall include all the Special Flood Hazard areas indicated as Zone A on the City of Hoyt Lakes FIA Flood Hazard Boundary Maps No. H01-14 dated July 11, 1975 and as periodically updated by the Federal Insurance Administration.
47. Flood Water: The water of any river, stream, drainage channel, low area, or pond which is above and/or outside the channel or banks of said river, stream, drainage channel or pond.
48. Floodway: The channel or bed of a river, stream, drainage channel or pond and those portions of the floodplains adjoining which are required to efficiently carry and discharge the flow of the river or stream and for the purpose of the Ordinance.
49. Floor Area: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, excepting that area primarily devoted to window display, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space.

50. Floor Area Ratio: The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.
51. Frontage: See "Lot Width".
- 51.5 Fuel/Wood/Storage. Fuel wood shall include any combustible material which is or can be used for heating purposes, and shall apply only to outside storage which includes storage within a structure not enclosed by walls. (Amended by ordinance 101.)
52. Garage, Private: An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families' resident upon the premises, and in which no business service or industry is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle. The load capacity of such commercial vehicle shall not exceed one ton.
53. Garage Sale: Any display of used goods and/or salesmen's samples and sale of said goods on a property customarily used as a residence. The persons conducting the sale shall be residents of the immediate neighborhood.
54. Home Occupation: Any gainful occupation carried out by the occupant of a residential dwelling unit that occurs within the principal or accessory building on the property and does not change the primary residential use of the property. Level 1 and Level 2 Home Occupations shall be as defined in Section 5.4. (Amended by Ordinance 168.)
55. Horticulture: The production and storage of fruits, vegetables, grains, ornamental trees or other crops but not including the keeping, raising or production of livestock.
56. Hotel: A building containing eight (8) or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guest or both, and where no provision is made for cooking in any guest room, and in which principal access to and from all rooms is made through an inside lobby or office supervised by a person in charge.
57. Hotel (Apartment): A hotel providing one or more dwellings where cooking facilities are present.

58. Junk Yard or Recycling Center: An area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, abandoned, packed, disassembled, or handled, including but not limited to, scrap iron, and other metals, paper, rags, rubber products, bottles, and lumber. Storage of such materials in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.
59. Kennel: Any premises where more than three (3) of any type of domestic animals over six (6 months of age are present as owners' pets, or accepted for boarding, breeding, training or sale, except when located in a pet shop or veterinary clinic.
60. Landscaping: Planting such as trees, grass, and shrubs.
61. Land Reclamation: Depositing four hundred (400) cubic yards or more of material so as to elevate the grade.
62. Loading Berth: An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.
63. "Lot: For zoning purposes, as covered by this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such a lot shall have frontage on an improved public street, and may consist of:
- (a) A single lot of record;
 - (b) A portion of a lot of record;
 - (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
 - (d) A parcel of land described by metes and bounds.

In no case of new subdivision shall any lot be created which does not meet the requirements of this ordinance. A parcel of land shall be considered one lot for zoning purposes if the parcel is used as a single lot."
(amended by Ordinance 118)

64. Lot Area: The area of a lot in a horizontal plane bounded by the lot lines, but not including any area occupied by the waters of a duly recorded lake or river or area which has been dedicated as public thoroughfare or road.
65. Lot Area Per Unit: The number of square feet of lot area required per dwelling unit.

66. 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 one hundred and thirty five (135) degrees.
67. Lot Depth: The mean horizontal distance between the front and the rear lines of a lot.
68. Lot, Interior: A lot other than a corner lot.
69. Lot, Key: The first lot to the rear of a corner lot the front line of which is a continuation of the side line of the corner lot and fronting on the street which intersects the street on which the corner lot fronts.
70. Lot Line: A lot line is 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 nearest line of such public right-of-way shall be the lot line for applying this Ordinance.
71. Lot Line-Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are within 10 percent of being equal, the front lot line shall be that street line designated by the owner and filed with the Zoning Officer.
72. Lot Line-Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, connecting the side lot lines and parallel to the front lot line.
73. Lot Line-Side: Any boundary of a lot which is not a front lot line or a rear lot line.
74. Lot of Record: Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an Auditor's Subdivision or a Registered Land Survey, or a parcel of land not so platted, subdivided or registered but for which a Deed, Auditor's Subdivision or Registered Land Survey has been recorded in the office of the Register of Deeds of Registrar of Titles for St. Louis County, Minnesota prior to the effective date of this Ordinance.
75. Lot, Through: A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.
76. Lot Width: The horizontal distance between the side lot lines of a lot measured at the building setback line.

77. Mobile Home Section Definitions:

- (a) Mobile Home: Any type of transportable structure or vehicle not drawn by its own power with permanently attached undercarriage and wheels which is designed, constructed, and equipped for use as a single family dwelling place, living abode, or living quarters, suitable for occupancy during the entire year, which contains the same water supply, waste disposal, and electrical conveniences as immobile housing. It is the intention of the Council that this definition shall include "mobile homes" as defined in Section 327.14, Subdivision 2 of Minnesota Statutes Annotated.
- (b) Mobile Home Lot: A parcel of land for the placement of a single mobile home for the exclusive use of the occupants of said mobile home.
- (c) Mobile Home Court: Any premises on which are parked two or more occupied mobile homes, but this definition shall exclude sales lots on which automobiles or unoccupied mobile homes, whether new or used, are parked for purposes of inspection or sale.
- (d) Mobile Home Stand: The part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures, or additions.
- (e) Trailer: Any vehicle or structure designed and used for human living quarters which meets all of the following qualifications:
 - (1) Is not used as the permanent residence of the owner or occupant.
 - (2) Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities.
 - (3) Is towed or otherwise transported, by its own or by other motor power on the public streets or highways incidental to such recreational or vacation activities.
- (f) Trailer Parks: A park, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any trailers, as defined herein, and upon which said trailers are parked. The term "trailer park" shall include all buildings used or intended for use as a part of the equipment thereof whether a charge is made for the use of the park and its facilities or not.

- (g) Camping Trailer (or Folding Tent Trailer): A vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic or other pliable material which are adapted for folding for towing by another vehicle and unfolding at the campsite to provide temporary living quarters for recreational, camping or travel use.
- (h) Double Wides: Two (or More) mobile home units, separately towable but designed without a permanent foundation to be joined into one integral unit, capable of being again separated for repeated towing (see also Sectional House).
- (i) Expandables: A mobile home containing a collapsible or telescoping unit which meets highway towing standards when "closed"; expanded at site ("pulled out like a bureau drawer to form a bar or an ell") for added living space.
- (j) Motor Home (Motorized Home): A vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping or travel use.
- (k) Prefabricated Housing: Conventional-type housing for permanent foundations, assembled and "finished" on-site, from factory pre-constructed separate sections of walls, roofs, etc., typically lifted from trucks into place with the aid of cranes.
- (l) Sectional or Modular House: A factory pre-finished house designed for a permanent foundation which can include a full-depth basement, shipped in (normally two) completed sections, fastened together and "finished" at the site.
- (m) Trailer, Dependent: A travel trailer which is dependent upon a service building for toilet and lavatory facilities.
- (n) Travel Trailer: A vehicular portable structure, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile, primarily designed and constructed to provide temporary living quarters for recreation, camping or travel use.
- (o) Truck Camper: A portable structure, designed to be loaded onto, or affixed to the bed or chassis of a truck constructed to provide temporary living quarters for recreation, camping or travel use.

78. Motel (Tourist Court): A building or group of detached, semidetached, or attached buildings containing guest rooms or dwellings, each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.
79. Motor Freight Terminal: A building or area in which freight brought by motor truck, or rail, is assembled and/or stored for routing in intra-state or inter-state shipment by motor truck.
80. Motor Fuel Station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.
81. Non-Conforming Structure: Any structure permitted by existing City Ordinance upon the effective date of this Ordinance, which would not conform to the applicable regulations if the structure were erected under the provisions of this Ordinance.
82. Non-Conforming Use: Use of land, buildings or structures existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.
83. Noxious Matter: Material capable of causing injury to living organisms by chemical reaction, or which is capable of causing detrimental effects to the physical, psychological, social or economic well-being of individuals, animals, and ecology.
84. Nursery-Day: A use where care is provided for pay for three (3) or more children for periods of four (4) hours or more per day.
85. Open Sales Lot: Land devoted to the display of goods for sale, rent, lease, advertising, or trade where such goods are not enclosed within a building.
86. Parking Space: A suitably surfaced or permanently maintained area on privately owned property of sufficient size to store one standard automobile either within or outside of a building. For the purposes of this Ordinance, a parking space shall not be less than ten (10) feet in width by twenty (20) feet in length with a minimum driving or maneuvering area of twenty-five (25) feet required.
87. Party Wall: A wall which divides two independent structures.

88. Performance Standard: Criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.
89. Person: Shall include both male and female and shall also extend and be applied to bodies politic and corporate and to partnerships and other unincorporated associations.
90. Planned Unit Development: An urban development having two or more principal uses or structures on a single lot and developed according to an approved plan.
91. Planning and Zoning Commission: The Planning and Zoning Commission of Hoyt Lakes except when otherwise designated.
92. Pools: Swimming pools, hot tubs and spas shall be interpreted to mean the same as swimming pool. This applies to any outdoor, permanent, in or above ground bathing facility.
93. Principal Structure or Use: One which determines the predominant use as contrasted to accessory use or structure.
94. Public: Uses owned or operated by municipal, school district, county, state or other governmental units.
95. Public Hearing: Whenever the term "Public Hearing" is used in this Ordinance, unless otherwise specifically redefined, it shall mean a public hearing pursuant to a notice published once in the official newspaper of the City at least ten (10) days before the date of such hearing, which notice shall specify the general purpose, time and place of such hearing. Any such hearing after such publication may be continued, recessed or adjourned from time to time without any further publication or notice thereof.
96. Public Utility Uses: See "Essential Services".
97. Publication: Notice placed in the official city newspaper stating time, location and date of meeting and description of the topic.
98. Recreation Equipment (In Residential Districts): Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty-five feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures and including tree houses, swimming pools, playhouses, exceeding twenty-four square feet of floor area, and sheds utilized for storage of equipment subject to provisions of Section 4.5.
99. Research Lab: Medical, chemical, electrical, metallurgical or other scientific research and quality control, conducted in accordance with the provisions of this Ordinance.

100. Rest Home; Nursing Home: A private home for the care of children, aged or infirm, or a place of rest for those suffering bodily disorders. Such homes do not contain equipment for surgical care or for the treatment of disease, injury or mental care, nor provides maternity care.
101. Restaurants (Class 1), Traditional Restaurants: Food is served to a customer and consumed by him while seated at a counter or table. Cafeteria - Food is selected by a customer while going through a serving line and taken to a table for consumption.
102. Restaurants (Class 2), Fast Food Restaurants: A majority of customers order and are served their food at a counter and take it to a table or counter where it is consumed. However, a significant number may take the food outside to eat in an automobile or off the premises. Drive-In Restaurant - Most customers consume their food in an automobile regardless of how it is served. Carry Out and Delivery Restaurant - Food is prepared for consumption off the premises only.
103. Signs: Section definitions:
- (a) Erect: To build, construct, attach, hang, place, suspend, or affix, including the painting of wall signs.
 - (b) Incombustible Material: Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
 - (c) Lighting, Indirect or Diffused: Lighting designed so that direct source of light is not visible, is screened through plastic, neon tube, shaded, or similar design.
 - (d) Lot Frontage: That lot line which is also a public street right-of-way line; all corner lots shall be considered as having two lot frontages. Buildings or lots containing more than one principal use shall be considered as one principal use for the application of area standards; principal uses of buildings and adjacent to a parking lot containing over five (5) off-street parking spaces shall be considered as having lot frontage on that parking lot in addition to lot frontage on another face of the building on a public street.

- (e) Marquee: A permanent roofed structure attached to and supported by the building and projecting over public property.
- (f) Principal Entrance: That entrance of a building designed for use by customers, visitors, and tenants; does not include loading doors, service entrances, doors to storage areas, or similar entrances.
- (g) Shopping Center: Any grouping of two (2) or more principal retail or other commercial uses whether on a single lot or on abutting lots under multiple or single ownership. For purposes of sign regulations, a shopping center shall mean five or more adjacent commercial uses.
- (h) Sign: A name, identification, description, logo, display, illustration, structure, or device which is affixed to or painted, or presented directly or indirectly upon a building or other surface not within a building and which directs attention to an object, product, place, activity, person, institution, organization or business.
- (i) Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of such sign, exclusive of sign embellishments, which may extend beyond said perimeter as regulated herein, and in no case, passing through or between any adjacent elements; however, such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part of the display. Double faced signs may be permitted with the maximum square footage on each side; multi-faced signs shall not exceed double the area of single-faced signs.
- (j) Sign, Business: A sign which directs attention to a business or profession or to the commodity, service or entertainment sold or offered upon the premises where such signs are located or to which it is attached.
- (k) Sign, Directional: A sign which directs attention to a business, profession, or service not located upon the premises where such sign is located or to which it is attached.
- (l) Sign, Electric: Any sign containing electrical wiring but not including signs illuminated by an exterior, unattached light source.
- (m) Sign, Flashing: An illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color.
- (n) Sign, Ground: A sign which is supported by one or more uprights, poles or braces in or upon the ground other than a combination sign.

- (o) Sign, Identification: In a residential district, a nameplate sign identifying a resident (including address and profession or occupation), school, church, or other non-business use. In a business or industrial district a sign (nameplate) which states the name or address or both of the business, industry or occupation of the lot or a directory listing the names, addresses, and business of occupants.
 - (p) Sign, Illuminated: Any sign which has characters, letters, figures, design or outline illuminated by electric lights or tubes as part of the sign proper.
 - (q) Sign, Moving: A moving sign is a permanent, streamer, whirling disc, or other moving device attracting attention.
 - (r) Sign, Pedestal: A ground sign erected on not more than three shafts or posts solidly affixed to the ground, emerging from a common base.
 - (s) Sign, Real Estate: A sign offering property (land and/or buildings) for sale, lease or rent.
 - (t) Sign, Structure: The supports, uprights, braces and framework of the sign.
 - (u) Sign, Temporary: Any sign not exceeding ten square feet placed in such a manner as not to be solidly affixed to any building, structure, or land and advertising and event such as a bazaar, special sale, sporting event, or similar situation; in no event, however, shall such signs be placed on any lot of parcel of land for a period to exceed ninety days out of any twelve month period.
 - (v) Sign, Wall: A sign attached to or erected against the wall of a building with the exposed face of the sign in plane parallel to the plane of said wall.
104. Story: That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a full story, and a cellar shall not be counted as a story.
105. Street: Any public or private way set aside as a permanent right-of-way for vehicular access existing at the time of enactment of this Ordinance and any such public right-of-way acquired or accepted by the Council after the enactment of this Ordinance.

106. Structure: Anything erected, whether permanent or not, or whether permanently attached to the ground, or not. The definition of structure does not include mail or newspaper receptacles, licensed fish houses, lawn ornaments, or yard playground equipment. In addition, the following special provisions apply to the definition of "structure" and the application of Hoyt Lakes Ordinance 110, as amended, to certain structures: (amended by Ordinance No. 172)
- a. Any accessory structure that was previously considered "temporary" or "not permanent", located on a lot as of the effective date of this ordinance shall be considered a lawful non-conforming use for a period of five years from the date of this ordinance. Thereafter, the structure must comply with all provisions of Hoyt Lakes Ordinance 110, as amended. However, such structure may continue as a lawful non-conforming use following the five-year date if the structure complies with all provisions other than the total square footage allowed for accessory structures. Such a structure will constitute a lawful non-conforming use so long as that structure complies with all other provisions of Hoyt Lakes Ordinance 110, as amended.
 - b. Any structure which remains erected or otherwise located on a lot for a period of 90 days or less in any calendar year shall be considered a lawful non-conforming use. However, such structure shall be considered a lawful non-conforming use only if the structure complies with all provisions other than the total square footage allowed for accessory structures. Such a structure will constitute a lawful non-conforming use so long as that structure complies with all other provisions of Hoyt Lakes Ordinance 110, as amended.
107. Thoroughfare: Shall be those streets as shown on the Hoyt Lakes Major Circulation Plan at the right-of-way width indicated.
108. Townhouse: Attached single family dwelling units, each with separate entrance to front and rear yards and having only one or more walls in common with another single family dwelling unit, oriented so all exits open directly to the outside.
109. Use: The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.
110. Used Auto Parts: The processing, storage, and sale of second-hand or used automobile or other vehicle parts, provided such use is established entirely within enclosed buildings.
111. Uses, Non-Conforming: Any use of a building or premises which on the effective date of this Ordinance, does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premises is located.

112. Use-Conditional: Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each Zoning Use District, which for their respective conduct, exercise or performance in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities plans, structures, thoroughfares, conditions, modification, or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience, or safety therein and in the City and therefore may be permitted in such use district only by a Conditional Use Permit.
113. Use-Permitted: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such districts.
114. Use-Principal: The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
115. Vending Machine: Any coin operated device which dispenses a product or service without an attendant.
116. Veterinary Clinic: Those uses concerned with the diagnosis, treatment, and care of animals, including animal or pet hospitals.
117. Warehousing: The storage of materials or equipment within an enclosed building as a principal use including packing and crating.
118. Yard: A required open space on a lot which is unoccupied and unobstructed by a building from its lowest ground level to the sky except as expressly permitted in this Ordinance. A yard shall extend along a lot line and at right angles to such a lot line to a depth or width specified in the yard regulations for the district in which such lot is located.
119. Yard-Front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth at its shallowest dimension required in the yard regulations for the district in which such lot is located.
120. Yard-Rear: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

121. Yard-Side: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.
122. Yard-Side Street: A side yard abutting a side street.
123. Yard-Rear Yard on Through Lot: A yard opposite the front yard on a through lot.
124. Zoning Administrator and Zoning Officer: Persons appointed by the City Council as provided by this Ordinance.
125. Zoning District: An area or areas within the limits of the City for which the regulations and requirements governing use, lot and size of building and premises are uniform.