

ARTICLE II DEFINITIONS

Captions, headings, titles and the key words used in sections and articles are inserted herein for convenience and to facilitate the use of this ordinance.

For the purpose of this ordinance, certain words and terms are herein defined:

Words used in the present tense include the future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory and not merely directory.

Section 2.01 **ACCESSORY BUILDING.** A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.

Section 2.02 **ACCESSORY USE.** A use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.

Section 2.03 **ALLEY.** Any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.

Section 2.04 **BASEMENT.** That portion of a floor of a building which is wholly or one-half or more below the average grade of the ground level adjoining the building is a basement, provided however, that if the height from the average grade level to the first tier of floor beams or joists is five (5) feet or more, such basement shall be considered a story.

Section 2.05 **BUILDING.** Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal or chattel of property of any kind. When any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Section 2.06 **BUILDABLE AREA.** That part of the lot not included within the open areas required by this ordinance.

Section 2.07 **BUILDING-PRINCIPAL.** A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

Section 2.08 **BUILDING HEIGHT.** The vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Section 2.09 **BUILDING SETBACK LINE.** The front line of the building or the legally established

line which determines the location of the building with respect to the street line.

Section 2.10 **CARPORT.** A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.

Section 2.11 **CLINIC.** A clinic for the purpose of this ordinance is a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a group of doctors acting in concert and in the same building for the purposes aforesaid.

Section 2.12 **COURT.** A court is an open unoccupied space on the same lot with a dwelling and bounded on two or more sides by the walls of the dwelling.

Section 2.13 **DISTRICT, ZONING.** Any section of the incorporated area of the City of Hayfield within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Section 2.14 **DWELLING.** A dwelling is any house or building or portion thereof which was constructed to be non-mobile and which is occupied wholly as a home, residence or sleeping place of one or more human beings either permanently or transiently. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purposes of this ordinance and shall comply with the provisions thereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling.

(a) **APARTMENT HOUSE.** An apartment house is a dwelling for three (3) or more families, living independently of each other and doing their cooking upon the premises.

(b) **BOARDING OR ROOMING HOUSE.** A boarding or rooming house shall be construed to mean any dwelling occupied in any manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein cooking or kitchen accommodations.

(c) **DWELLING, ONE FAMILY.** A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.

(d) **DWELLING, MULTIPLE.** A building used or intended to be used as a dwelling by three (3) or more families or an apartment house or terrace dwelling with each unit designed and arranged to provide separate cooking and sanitary facilities for each family.

(e) **DWELLING, SINGLE FAMILY TERRACE.** A building or structure occupied by three (3) or more families, where each dwelling unit is divided by a separation wall extending the full height of the building. Each unit is capable of individual use and maintenance without tres-

passing upon adjoining properties, and utilities and service facilities are independent for each property.

(f) **DWELLING, TWO FAMILY.** A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.

Section 2.15 **ERECTED.** The work "erected" includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for the building; excavation, fill, drainage and the like, shall be considered a part of erection.

Section 2.16 **ESSENTIAL SERVICES.** The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, Mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

Section 2.17 **FAMILY.** A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related, but inhabiting a single house shall, for the purpose of this ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.

Section 2.18 **FARM.** A farm shall be a parcel of land which is cultivated or pastured as a single contiguous unit or used for the raising of livestock or fowl for commercial purposes.

Section 2.19 **FARMYARD.** That area of a farm immediately around a farm residence where accessory buildings are located and are being used in conjunction with general agricultural operations of a farm.

Section 2.20 **FLOOR AREA, GROUND.** The area within the exterior walls of the main building or structure as measured from the outside walls at the ground floor level, not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.

Section 2.21 **GARAGE, COMMUNITY.** Any space or structure or series of structures for the storage of motor vehicles for the use of two or more occupants of property in the vicinity and having no public shop or service therein.

Section 2.22 **GARAGE, PRIVATE.** An accessory building designed or used for the storage of

not more than three (3) licensed automobile, trucks or busses owned and used by the occupants of the building to which it is accessory.

Section 2.23 **GARAGE, PUBLIC.** Any premises used for the storage or care of motor driven vehicles, or place where any such vehicles are equipped for operation, repaired or kept for remuneration.

Section 2.24 **GASOLINE SERVICE STATION.** A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

Section 2.25 **GOVERNMENTAL AGENCIES AND OFFICIALS.**

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| (a) BOARD OF ADJUSTMENT. | City of Hayfield Board of Adjustment. |
| (b) BUILDING INSPECTOR. | The City of Hayfield Building Inspector or his authorized representative. |
| (c) PLANNING COMMISSION. | The Planning Commission shall be the Planning Commission of Hayfield, appointed by the Hayfield City Council and established under Section 462.354, Subdivision 1, Minnesota Statutes 1965 as amended. |
| (d) ZONING ADMINISTRATOR. | The Hayfield City Clerk or his authorized representative. |

Section 2.26 **GREENBELT.** A planting strip of grass, trees and shrubs established and maintained for the purpose of screening or limiting the view of certain property uses from the general public.

Section 2.27 **GROUND LEVEL, AVERAGE.** The average elevation of the finished grade at the front of a building.

Section 2.28 **HOME OCCUPATION.** An occupation which is customarily and traditionally conducted within a dwelling by its occupants and is clearly incidental and secondary to the principal use of the dwelling.

Section 2.29 **HOSPITAL.** A building, structure or institution in which sick or injured persons are given medical or surgical treatment.

Section 2.30 **HOTEL.** A building or structure occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for remuneration, in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms and with or without a public dining room.

Section 2.31 **JUNKYARD.** A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used or second-hand material of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of one (1) unlicensed motor vehicle within a garage or other structure in residential districts or two (2) unlicensed motor vehicles not including farm implements within a farm in the agricultural district.

Section 2.32 **KENNEL.** Any lot or premises on which four (4) or more dogs six months of age or older are kept, either owned or permanently or temporarily boarded.

Section 2.33 **LOT.** A lot is a piece or parcel of land occupied or to be occupied by a building, structure or use, or by other activity permitted thereon and including the open spaces required under this ordinance. A lot need not be a lot of existing record.

Section 2.34 **LOT, CORNER.** A corner lot is a lot of which at least two adjacent sides abut for their full length upon a street.

Section 2.35 **LOT, COVERAGE.** The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

Section 2.36 **LOT, DOUBLE FRONTAGE.** A double frontage lot is a lot which extends from one street to another street.

Section 2.37 **LOT, INTERIOR.** An interior lot is a lot other than a corner lot.

Section 2.38 **LOT LINE, FRONT.** Each lot line abutting a street shall be considered a front lot line.

Section 2.39 **LOT LINE, REAR.** The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10) feet long, lying most distantly from the front lot line and wholly within the lot. With the exception of a double frontage lot, every lot shall have a rear lot line.

Section 2.40 **LOT LINE, SIDE.** A side lot line is any lot line not a front or a rear lot line.

Section 2.41 **LOT OF RECORD.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Dodge County, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Register of Deeds of Dodge County.

Section 2.42 **MINNESOTA DEFINITIONS.** Unless clearly in conflict with the definitions or other provisions of this ordinance, or otherwise clearly inapplicable, definitions established by the State of Minnesota by statute or case law shall apply to this Ordinance.

Section 2.43 **MOBILE HOME.** A dwelling unit designed to be transportable and suitable for year around occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing whether mounted on wheels, jacks or a permanent foundation.

Section 2.44 **MOTEL OR MOTOR COURT.** A motel or motor court is a business comprising a series of attached or semidetached or detached rental units with or without eating facilities for the overnight accommodation of transient guests.

Section 2.45 **OTHER DEFINITIONS.** Certain chapters of this ordinance contain other definitions applicable particularly to such chapters. In case of any conflict between the definitions in this article and other definitions, the other definitions shall prevail in the chapters where applicable.

Section 2.46 **PARKING SPACE.** An area of not less than two hundred (200) square feet, exclusive of drives or aisles to be used for the storage or parking of motor vehicles.

Section 2.47 **PERSON.** Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by prescribing a penalty or fine, it shall include the partners or members of any partnership and the officers, agents or members of any corporation, who are responsible for the violation.

Section 2.48 **PORCH, UNENCLOSED.** An entrance to a building which may include steps, a landing, railings and a roof, but not enclosed either partially or completely above the landing by windows, screens or siding.

Section 2.49 **PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under governmental regulation to the public, electricity, gas, steam, water, sewage disposal, communication or transportation facilities.

Section 2.50 **RECREATIONAL CAMPING AREA.** Any area used on a daily, nightly, weekly or longer basis for the accommodation of two (2) or more units, consisting of tents, travel trailers,

pick-up coaches, motor homes, or camping trailers and whether use of such accommodation is granted free of charge or for compensation.

Section 2.51 **RECREATIONAL CAMPING VEHICLE.** The words "recreational camping vehicle" shall mean any of the following:

a. Travel trailer means a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational or vacation use.

b. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

c. Motor home means a portable, temporary dwelling to be used for travel, recreation, and vacation and constructed as an integral part of a self-propelled vehicle.

d. Camping trailer means a folding structure mounted on wheels and designed for travel, recreation and vacation use.

Section 2.52 **SPECIAL EXCEPTIONS.** A use permitted in a zoning district when such use meets the special requirements set forth and has been approved by the Planning Commission and the City Council.

Section 2.53 **STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such a floor and the ceiling next above it.

A basement shall be considered a story if its ceiling is over five (5) feet above the average established grade.

Section 2.54 **STORY-HALF.** A half story is an upper most story lying under a sloping roof, the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it, and not used, or designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling. A half story containing independent apartments or living quarters shall be deemed, a full story.

Section 2.55 **STREET.** Any thoroughfare or way other than a public alley, dedicated to the use of the public and open or not opened to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court or any other similar designation, or a private street open to restricted travel and at least forty (40) feet in width.

Section 2.56 **STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Section 2.57 **STRUCTURE ALTERATION.** Any changes in the supporting members of a building

such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.

Section 2.58 **UTILITY ROOM.** A room or space, location other than in the basement, specifically designed and constructed to house any home utilities such as the heating unit and laundry facilities.

Section 2.59 **USE.** The purpose for which land or building thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

Section 2.60 **VARIANCE.** The waiving of the strict application of the requirements of this ordinance by the Board of Adjustment in accordance with this ordinance.

Section 2.61 **YARD.** A space not occupied by a building or buildings, open to the sky and on the same lot as the principal building.

Section 2.62 **YARD, FRONT.** A yard extending across the full width of the lot and lying between the front lot line and a line at a distance there from as specified by the regulations.

Section 2.63 **YARD, REAR.** A yard extending across the full width of the lot and lying between the rear lot line and a line at a distance there from as specified by these regulations.

Section 2.64 **YARD, SIDE.** A yard between the side lot line and a line at a distance there from as specified by the regulations.

Section 2.65 **ZONING MAP.** The areas comprising these zoning districts and the boundaries of said districts are shown upon a map, which is a part of this ordinance and which is on display in the City Clerk's Office, being designated as a Zoning Map of the City of Hayfield, with all proper notations, references and other information shown thereon.