

ARTICLE 2

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 201 INTENT AND PURPOSE

- A. It is the intent and purpose of this Article to define the manner in which text herein is to be utilized and to define certain terms that are germane to the use of this Ordinance.

SECTION 202 LANGUAGE RULES

- A. The following rules shall apply to the text and language of this Ordinance:
1. In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
 2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 3. Words used in the present tense shall include the future and words used in the singular number shall include the plural and vice versa unless the context clearly indicates the contrary.
 4. All buildings are considered structures, but all structures may not be buildings.
 5. The word "building" or "structure" includes any part thereof.
 6. The word "person" means an individual, corporation, partnership, association, or other legal entity.
 7. The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
 8. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

SECTION 203 DEFINITIONS

The following definitions are germane to the use and interpretation of this Ordinance:

ACCESSORY BUILDING/STRUCTURE - A supplementary building or structure on the same lot, parcel or zoning lot as the principal building(s) or a portion of the principal building occupied by or devoted exclusively to any accessory use.

ACCESSORY USE - A use located on the same lot, parcel or zoning lot that is incidental, subordinate and customarily found in connection with the principal use of the land or buildings.

ADJACENT - A lot, parcel or structure which shares a common border or boundary with another lot, parcel or structure. Terms in common to “adjacent” include “abut” and “next to”.

ADULT FOSTER CARE - A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Act 218 of 1979, as amended, and the applicable administrative rules as administered by the State of Michigan Family Independence Agency. (See also “State Licensed Residential Facilities) There exist four (4) types of Adult Foster Care:

- a. Family Home - Residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
- b. Adult Foster Care Small Group Home - Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
- c. Adult Foster Care Large Group Home - Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Zoning approval is required prior to issuance of license.
- d. Congregate Facility - Residence for more than twenty (20) adults of which not more than six (6) can be of age 65 or older with the condition that each living unit does not exceed twenty (20) individuals.

ADULT USES - The uses, either as accessory or principal, listed below are considered adult uses:

- a. Adult Entertainment Business - One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion theater, adult personal service business, adult novelty business, adult nightclub.
- b. Adult Book or Supply Store - An establishment having as a principle activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their

emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.

- c. Adult Motion Picture Theater - An enclosed building with a capacity of fifty (50) or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.
- d. Adult Mini-Motion Picture Theater - An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.
- e. Adult Novelty Business - A business, which has a principal activity of the sale of devices of simulated human genitals or devices, designed for sexual stimulation.
- f. Adult Personal Service Business - A business which has as a principle activity a person, while nude or partially nude, providing personal services for a person on an individual basis in a closed room. It includes, but it is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- g. Adult Night Club - A business with the principal activity of providing entertainment by nude or partially nude performers.

ADULT SPECIFIED SEXUAL ACTIVITIES AND ANATOMICAL AREAS

- a. Adult "Specified Sexual Activities" are defined as:
 - i. Human genitals in a state of sexual stimulation or arousal;
 - ii. Acts of human masturbation, sexual intercourse or sodomy;
and
 - iii. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- b. "Specified Anatomical Areas" are defined as:

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

AIRPORT - The use of land, including water, runway, or other facility designed, used or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie down areas, hangers and other necessary buildings, structures and open spaces.

ALLEY - Any dedicated public way affording a secondary means of access to abutting property or that permits access to a rear yard, parking lot or other area of a lot and not intended for general traffic circulation.

ALTER/ALTERATION - Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed. Terms in common include “reconstruction” or “remodel”.

AMUSEMENT CENTER - A principal commercial land use open to the public and consisting of coin or token operated amusement devices, also known as an arcade. Such devices shall include, but are not limited to, billiard tables, pool tables, video games, pinball machines, and/or any other machine which may be operated by the public generally for use as a game, entertainment, or amusement. This definition does not include such devices as accessory uses to bars, taverns, or restaurants or vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddie rides, or jukeboxes.

APARTMENT - A group of rooms that are designed to function as a single, complete dwelling unit that is either situated with three or more of these units in a single structure or as an accessory use to a principal use. See other definitions for “Accessory Use” and “Multiple-Family”.

APPRAISED VALUE - The value of property as estimated by an individual qualified to appraise that type of property.

ARCHITECTURAL FEATURES - Architectural features of a building shall include but not be limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

AS-BUILT DRAWINGS - Final drawings or plans that are the result of modifications during the construction phase of an approved development.

ASPHALT BATCHING FACILITIES - A temporary facility for the production and manufacture of asphalt paving material.

ASSEMBLY BUILDING/STRUCTURE - A large public or semi-public building, room, or structure in which a group of people can gather together for worship, meetings, instruction, banquets, exhibits or entertainment.

AUTOMOBILE - Unless specifically indicated otherwise, “automobile” is defined as any vehicle including cars, trucks, vans, motorcycles and the like. Said definitions do not include recreational or commercial vehicles.

BAR - An establishment containing tables and chairs, and/or a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises. Terms in common include “tavern” and “pub”.

BASEMENT - That portion of a building, which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story unless otherwise described herein.

BED & BREAKFAST - A traditional single-family dwelling that is owner occupied in which a maximum of six (6) sleeping rooms are rented, with or without meals, for compensation for the traveling or vacationing public. Stays are transient and temporary in nature.

BEDROOM - A bedroom is a room in a dwelling unit used for or intended to be used in whole or in part for sleeping purposes by a person or persons.

BERM - A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

BLOCK - The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

BOARD OF APPEALS - As used in this Ordinance, the term Board of Appeals means the City of Laingsburg Zoning Board of Appeals as authorized by the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et. Seq.).

BOND - A form of insurance required of an individual or firm to secure the performance of an obligation (as in performance or surety bond).

BROWNFIELD - With certain legal exclusions and additions, the term "brownfield site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

BUILDABLE AREA - The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

BUILDING - Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, or personal property, or carrying on business activities.

BUILDING CODE - The State of Michigan Construction Code regulating building/structure construction in the City of Laingsburg.

BUILDING FRONTAGE - The portion of a building that principally faces a public or private right-of-way.

BUILDING INSPECTOR - An individual appointed, hired or contracted by the City Council to administer the State of Michigan Construction Code within the City.

BUILDING LINE - The line that coincides with the edge of the building nearest the front, side or rear line of the lot, which includes covered and enclosed porches.

BUILDING PERMITS - A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, alteration, of a building, fence, sign or other as required by the Building Code.

BUILDING, PRINCIPAL – See “Principal Building/Structure” herein.

CAMPGROUND - A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

CARPORT - A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to other accessory structures.

CEMETERY - Property, including crematories and mausoleums, used, or intended to be used solely for the perpetual internment of deceased human beings or customary household pets.

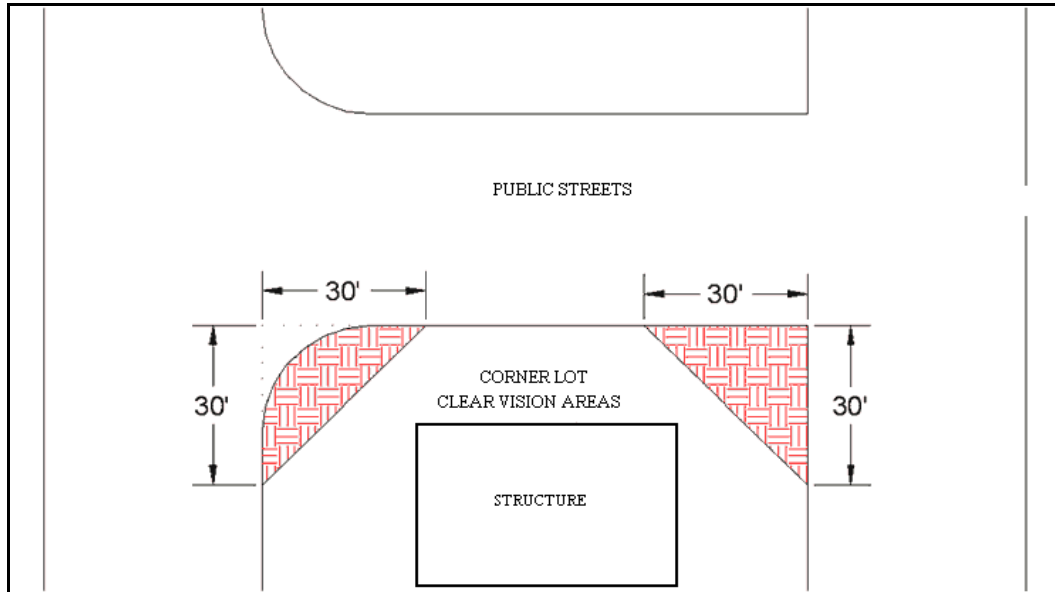
CERTIFICATE OF OCCUPANCY - A document signed by the Building Inspector as a condition precedent to the occupancy of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the State Construction Code.

CHANGE OF USE - A use of a building, structure or parcel of land, or portion thereof which is different from the previous use as it is classified in this Ordinance or in the State Building Code, as amended.

CHURCHES AND RELIGIOUS INSTITUTIONS - Buildings or structures wherein persons regularly assemble for religious worship and education and which is maintained and controlled by a religious body organized to sustain public worship and education.

CLEAR VISION AREA - The clear vision area (otherwise known as "sight triangle") is a triangular-shaped area on corner lots. On any corner lot in any district having front and side

yards, the area between the heights of three (3) feet and ten (10) feet in an area measuring thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines is a clear vision area. See Illustration below:



CLINIC - An establishment where human patients are examined and treated by physicians, dentists, or members of similar professions, and may incorporate customary laboratories and pharmacies incidental to or necessary to the service of clinic patients. A clinic shall not include overnight stays by patients or users of the facility.

CLUB - An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.

COMPLIANCE REVIEW - Compliance review and approval shall be issued by the Zoning Administrator following an inspection that confirms that all requirements of a previously issued and therefore governing zoning permit and this Ordinance have been met.

COMMERCIAL USE - Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or services.

COMMERCIAL VEHICLE - Any motor vehicle which has a commercial license and/or which has a gross vehicle weight rating (GVWR) of over 10,000 pounds.

COMMISSION - The words "Commission" or "Planning Commission" shall mean the City of Laingsburg Planning Commission.

COMMON AREA - A parcel or parcels of land with the improvements or open space thereon, the use, maintenance and enjoyment of which are intended to be shared by the

owners and/or occupants of individual dwelling units in a subdivision, condominium or planned unit development.

COMMON WALL - A wall shared in common between abutting dwelling units, between abutting nonresidential principal structures, or between a principal structure and a garage or similar attached structure.

COMMUNICATION TOWER - All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- a. Attached Wireless Communications Facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- b. Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- c. Collocation shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

CONDOMINIUM (INCLUDING SITE CONDOMINIUM) - A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- a. Condominium Act - State of Michigan Public Act 59 of 1978, as amended.

- b. Condominium Documents - The master deed and bylaws, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.
- c. Condominium Lot - The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- d. Condominium Unit - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- e. General Common Elements - The common elements other than the limited common elements intended for the common use of all of the co-owners.
- f. Limited Common Elements - A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- g. Master Deed - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

CONDOMINIUM PROJECT - Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the State of Michigan Public Act 59 of 1978, as amended.

CONDOMINIUM SUBDIVISION - A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act (Public Act 288 of 1967, as amended). A condominium unit shall be equivalent to the term "platted lot" for the purposes of determining compliance of a condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

CONDOMINIUM SUBDIVISION PLAN - The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

CONDOMINIUM UNIT - that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is

intended for residential office, industrial, business, or other type of use. A condominium unit may consist of either vacant land or space that either encloses or is enclosed by a building structure.

CONVALESCENT HOME - A convalescent home is a state licensed facility for the care of chronically ill or disabled children or the aged, or a place of rest for those suffering serious bodily disorders. Terms in common include “nursing home”.

DAY CARE - The following definitions shall apply in the construction and application of this Ordinance:

- a. **Family Day Care Home:** A private home in which one (1) but fewer than seven (7) minor children or adults are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks in a calendar year. A family day care home must be licensed or registered under Act No. 116 of the Public Acts of 1973. MCL 722.111.
- b. **Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) minor children or adults are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated child or adult for more than four (4) weeks in a calendar year.
- c. **Day Care Center:** A facility, other than a private residence, receiving more than one (1) or more children or adults for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

DEED RESTRICTION - A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. Unless the City has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the City. Terms in common include “restrictive covenant.”

DENSITY - The number of dwelling units situated on or to be developed per net or gross acre of land.

DISCRETIONARY - An action which requires the exercise of judgment or deliberation during the decision-making process, as distinguished from situations where the public agency or body is limited to a determination of conformity with applicable statutes, ordinances or regulations.

DISTRICT - A portion of the City within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN/THROUGH - Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle and is so developed that all or a portion of the retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in a motor vehicle.

DRIVEWAY - A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

DWELLING/DWELLING UNIT - A building or portion thereof which is used exclusively as a residence and provides complete, independent living facilities for one or more persons or a family, including permanent provisions for living, sleeping, eating, cooking and sanitation. A travel trailer, motor home, automobile, tent or other portable building shall not be considered a dwelling.

DWELLING, EFFICIENCY - An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room. Terms in common include “studio” apartment.

DWELLING, MULTIPLE FAMILY - A building containing three or more individual dwelling units.

DWELLING, SINGLE FAMILY - A detached building designed for and occupied exclusively by one (1) family in one (1) dwelling unit.

DWELLING, TWO FAMILY - A detached building designed for and occupied exclusively by two (2) families living independently of each other in two (2) dwelling units. Terms in common include “duplex”.

EASEMENT - A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

EQUIPMENT RENTAL - A building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public, including but not limited to lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, trailers, plumbing tools, power tools and earthmoving equipment.

ERECTED - The word erected includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavation, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

ESSENTIAL PUBLIC SERVICES - The erection, operation, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead, gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, recycling bins and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

EXCAVATION - The removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, barrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged. Common household gardening is not included in such definition.

FAMILY - An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than two (2) additional unrelated people, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit. Also, a collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character, who are cooking and living as a single non-profit housekeeping unit, and whose relationship is the functional equivalent of a domestic family with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FENCE - An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, or a barrier closing or bordering a field, yard, etc. usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

FILLING - The depositing, dumping or placing of any matter or material into or onto the ground.

FLOOD - During high amounts of precipitation, or resulting from high amounts of precipitation, a rise in the water level of a water body or course, or the rapid accumulation of water from run-off or other sources so that land that is normally dry is temporarily inundated by water.

FLOOD PLAIN - The relatively flat area or low lands adjoining a body of water, channel or watercourse, which may be covered by floodwater when high amounts of precipitation are experienced. Flood plains are often wetland areas that are part of the river flow system and contiguous areas paralleling major rivers or streams that exhibit unstable soil conditions for development.

FLOOD PLAIN, 100-YEAR FLOOD - The base flood elevation used to define areas prone to flooding, describing, at minimum, the depth or peak elevation of flooding which has a one (1) percent or greater chance of occurring in any given year (100 year flood).

FLOODWAY - The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

FLOOR AREA - The floor area of a building or structure shall be the sum of the gross horizontal floor areas of the several stories of a building or structure as measured to the exterior face of the exterior walls, plus that area similarly measured of all other floor except basements, that are accessible by a fixed stairway, such as storage areas, recreational rooms, boiler and other areas within or contiguous to the structure.

FLOOR AREA, USABLE - For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area.

FLOOR AREA RATIO (FAR) -The ratio of the floor area of a building or structure to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number. The term is commonly referred to as FAR.

FLOOR, GROUND - That portion of a building that is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

FOOTING - That portion of the foundation of a structure which spreads and transmits loads directly to the soil.

GARAGE - An accessory structure for the principal permitted use, used for the storage of motor vehicles for the use of the occupants of the aforementioned principal permitted use.

GOLF COURSE - The premises upon which the game of golf is played, including clubhouse, driving range, parking lots, pro-shop, and other structures and uses incidental to a golf course.

GOLF COURSE, MINATURE - One or more nine (9) to eighteen (18) hole miniature-scaled golf courses. Equipment is limited to a putter and golf ball and such courses often contain a variety of obstacles for the participant to navigate.

GOLF, DRIVING RANGE - A practice facility that is included as an accessory use to most golf courses. Driving ranges also commonly operate as a principal use consisting of a large, open field with teeing ground at one end. The landing area may include target greens and

yardage markers. Driving ranges may also include practice putting greens and may have areas for chipping, pitching and bunker practice.

GROUND FLOOR COVERAGE (GFC) - The total ground floor area of the principal and all accessory buildings divided by the total lot or parcel area and expressed as a percentage. The term is commonly referred to as GFC.

GRADE, AVERAGE - The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation of a building or structure.

GRADE, FINISHED - The lowest point of elevation between the exterior wall of the structure and a parallel line five (5) feet from the foundation of a structure.

GRADE, NATURAL - The elevation of the ground surface in its natural state, before man-made alterations.

GREENHOUSES AND NURSERIES - A facility, typically a glass enclosure, used for the cultivation of plants, wherein the growing, wholesaling and/or retailing of plant materials is the principal use. Incidental sales can include the sale of products used for gardening or landscaping.

GROSS SITE AREA - The total area of a site including flood plains, wetlands, and water bodies.

HAZARDOUS SUBSTANCE - Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labors; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources, and hazardous substances as defined in Michigan Public Act 307 of 1982, as amended, and the Federal Comprehensive Environmental Response Compensation and Utility Act of 1980, Public Act 96-510, 94 STAT 2767, as amended.

HEIGHT (BUILDING OR STRUCTURE) - The structure height is the vertical distance measured from the established grade reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height may be measured from the average ground level of the grade at the building wall.

HOME BASED BUSINESS - A professional occupation, activity, or use of residential property that is clearly customary, incidental, and a secondary use of the property. A Home Based Business is considered a more intensive use of residential property than Home Occupation in that the occupation, activity or use is not confined to the dwelling unit and employees are not required to reside in the dwelling unit on the property.

HOME OCCUPATION - A professional occupation, activity, or use of residential property that is clearly customary, incidental, and a secondary use of the property. A Home Occupation is considered a less intensive use of residential property than a Home Based Business in that the occupation, activity or use is confined to the dwelling unit and employees must reside in the dwelling unit.

HOSPITAL - An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, pharmacies, medical supply sales, training facilities, central service facilities, and staff offices.

HOTEL - A building or structure or part thereof, intended or designed to be used, or which are used, rented out to be occupied temporarily or for sleeping purposes, in which the rooms are usually occupied singly for fee and in which no provisions for cooking are made, and in which building there may be a general kitchen and/or public dining room(s) for the accommodation of the occupants. Terms in common include "motel".

INDUSTRIAL USE - The use of a lot, parcel, building or structure for manufacturing, processing, fabricating or assembly of materials or goods. Warehousing or bulk storage of products and materials are typical accessory uses.

INOPERABLE OR ABANDONED MOTOR VEHICLE - Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause (lack of title, tag, registration, etc.) is incapable of being propelled under its own power or used for its intended purpose. See "junk".

JUNK - Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, or scrap materials that are damaged or deteriorated that are not stored within a completely enclosed building or having proper zoning permits and approvals for such purposes. Junk includes any inoperable or abandoned motor vehicle, or unusable parts thereof, which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is stored for a period not to exceed seven (7) days.

JUNK YARD - A parcel, building or structure where waste, used or salvaged materials, discarded material, including, but not limited to, scrap iron, other metals, paper, rags, rubber tires, wood, and bottles, are stored, baled, packed, disassembled, or handled for the purpose of purchase, sale, or exchange

KENNEL, COMMERCIAL - Any parcel, lot, building or structure used for breeding, commercial sale, boarding, or treatment of more than five (5) dogs, cats, or other domestic pets.

KENNEL, PRIVATE - Any lot, parcel, building or structure used, designed or arranged for the boarding, breeding, or care of dogs, cats, pets, or other domestic animals belonging to the owner thereof and kept for purposes of sale, show, hunting, or as pets, provided that no more than three (3) such animals six (6) months old or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises.

LANDSCAPING - The following definitions are applicable to the term landscaping:

- a. Berm - An earthen mound of variable height and width, used as a visual relief or transitional area between different land uses or uses of differing intensity.
- b. Buffer - A defined landscaped area composed of plant material, wall, and/or berm maintained to provide visual screening, noise reduction, and transition between incompatible land uses or uses of differing intensity.
- c. Conflicting or Incompatible Land Use - Where a residential use abuts a non-residential use or a residential land use developed at a higher density, or vice versa.
- d. Greenbelt - A landscaped area that is intended to provide a transition between a public road right-of-way and an existing or proposed land use.
- e. Opacity - A degree of imperviousness or ability to obscure visibility in to or out of.
- f. Plan, Landscaping - A required plan detailing compliance with the landscaping, buffering and screening requirements of this Ordinance.

LIGHTING - The following words, terms and phrases, when used in the application of this Ordinance, shall have the meanings ascribed to them below:

- a. Foot Candle - A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one square foot surface that is placed one (1) foot away from one (1) lit candle.
- b. Glare - Intense light that is directed from a fixture into the eye of observers or passers-by impairing the ability to see clearly compromising public safety and welfare or interfering with the use and personal enjoyment of other properties and property owners.
- c. Lamp - The luminaire component that produces the visible light.

- d. Light Fixture - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.
- e. Light Pollution - Electric light which may impact the safety and welfare of travelers by impairing their ability to see potential hazards effectively, reduces the enjoyment of the night sky, causes undesirable glare, unnecessary illumination of adjacent properties or causes a detrimental effect on the environment.
- f. Luminaire - The complete lighting system including the lamp and light fixture.
- g. Shielded Fixture - An outdoor light fixture shielded or constructed in a manner such that its light does not project beyond a certain limit.

LIVESTOCK - Those species of animals used for human food and fiber or those species of animals used to service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, captive cervidae, raticities, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

LOADING SPACE - A designated off-street area for temporary parking of a commercial vehicle while loading and/or unloading products, merchandise or materials.

LOT - A plat, plot or parcel of land occupied, or designed to be occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat and includes a condominium unit in condominium subdivision where land is associated with the structure. For the purposes of enforcing this Ordinance, a lot is land under one ownership that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks and open space as required herein. Terms in common include “parcel”, “unit” and “zoning lot”.

LOT AREA, GROSS - The area contained within the lot lines or property boundary including street right-of-way if unplatted.

LOT AREA, NET - The area within the described lot lines excluding road right-of-way and portions of the area that are part of a lake, river or stream.

LOT, CORNER - A lot whose lot lines form an interior angle of less than 135 (one hundred thirty five) degrees at the intersection of two street lines.

LOT COVERAGE - The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. See “Ground Floor Coverage” herein.

LOT DEPTH - The average horizontal distance from the front line to the rear lot line or from the front right-of-way line to the rear lot line measured at the median between the side lot lines.

LOT FRONTAGE - The total continuous length of the front lot line where sharing a boundary with a public road or an approved private road.

LOT INTERIOR - An interior lot is a lot other than a corner lot with only one lot line fronting on a street.

LOT LINES - A line dividing or separating one (1) lot from another, or from a public right-of-way, therefore constituting the property lines bounding a lot.

LOT LINE, FRONT- For an interior lot, the front lot line shall mean the line separating the lot from a public or approved private road right-of-way. For a corner lot that has frontage on more than one (1) street, the corner lot shall be considered as having a front lot line for each front on a public or approved private road right-of-way.

LOT LINE, REAR - The lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard.

LOT LINE, SIDE - Any lot line that is not a front lot line or a rear lot line. A side lot line separating a lot from a street on a corner lot is considered a front lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD - A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the County Register of Deeds or a tract of land described by metes and bounds that is the subject of a deed or land contract which is likewise recorded in the Register of Deeds.

LOT WIDTH - The horizontal distance between the side lot lines, measured at the two (2) points at the right-of-way line (upon which the lot has frontage) at the intersect of the side lot lines, unless otherwise specified in this Ordinance. For lots fronting on the curve of a cul-de-sac street the minimum straight line distance between the side lot line may measured at the minimum required front yard setback.

LOT, WATERFRONT - A lot having frontage directly upon a lake, river, or other reasonably sized impoundments of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

MANUFACTURED HOUSING - A dwelling unit that is designed for long term residential use and is wholly or substantially constructed at an off-site location and transportable in one (1) or more sections. Manufactured housing includes mobile homes and modular housing

units bearing the seal that the structure is in compliance with the National Manufactured Housing Construction Standards Code and the State of Michigan Construction Code.. Manufactured (or mobile) home does not include a recreational vehicle.

MINI-STORAGE (WAREHOUSE) FACILITIES - A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

MANUFACTURED HOUSING COMMUNITY - A parcel or tract of land under the control of a person upon which two (2) or more manufactured homes are located and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with a building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home.

MASTER PLAN - A document known as the City of Laingsburg Master Plan containing the future development policy and future land use map for the City, together with supporting documentation, as most recently adopted or amended by the Planning Commission.

MORTUARY/MORGUE - A place where dead bodies are stored and/or prepared before cremation or burial.

MOTOR HOME - A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

NONCONFORMING BUILDING/STRUCTURE - A building/structure or portion thereof existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

NONCONFORMING LOT - A lot, created prior to the effective date of this Ordinance, or amendments thereto, and which does not conform to the lot area regulations for the district in which it is located.

NONCONFORMING USE - A structure, building, lot, or other parcel of land occupied by a use at the effective date of this Ordinance, or amendments thereto, and which does not conform to the uses permitted within or the use regulations of the district in which it is located.

NUISANCE - An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

NURSING HOME - See “Convalescent Home”.

OCCUPIED - The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited and utilized for defined purposes.

OPEN AIR BUSINESS - When developed in conjunction with a permitted use, any area that is exclusively used for the sale of or taking of orders for products, merchandise or services where such is displayed, sold or ordered in the open air without structure. Terms in common include “outdoor sales”.

OPEN SPACE, COMMON - Common area that is held as perpetual open space for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

OPEN SPACE, DEDICATED - Common area that is open space dedicated as a permanent recorded easement for the general public.

OPEN SPACE REQUIRED - The yard space of a lot that is established between the street or lot line and the required setback line. Such area shall be open, unoccupied and unobstructed by any building, structure or portion thereof, except as otherwise provided in this Ordinance.

OPEN STORAGE - All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, construction vehicles and other supplies.

ON-SITE WIND ENERGY SYSTEM - A structure and associated facilities constructed for the purpose of harnessing the wind to generate electricity for use in a principal or accessory structure on the same property or zoning lot as the Wind Energy System. For the purposes of this Ordinance, the structure and associated facilities are intended to be consumer-based and principally used on-site. Pursuant to “Wind Energy Resource Maps” provided by the State of Michigan Department of Labor and Economic Growth at the time this Ordinance was approved, the City of Laingsburg is located in an area where wind levels are “marginal” and are not anticipated to be viable for a public utility grade system.

ORDINARY HIGH WATER MARK - The line between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself the configuration of the surface of the soil, and the vegetation.

OUTDOOR FURNACE - A device for the burning of renewable fuels (wood, corn, etc.) outdoors for the purpose of providing heat and hot water to a habitable structure that is normally provided by a traditional furnace and boiler within the structure.

OWNER - The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

PARCEL - An area described by metes and bounds. See “lot” and “lot of record” as defined herein.

PARK - An area of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

PARK, PUBLIC - Any open space or recreational area, owned or controlled by a Corporation or by any Board, Commission or other Authority established under any statute of the State of Michigan.

PARKING, OFF-STREET - An identified area for two (2) or more parking spaces serving a principal use, including accessible travel lanes, aisle ways for accessing parking spaces.

PARKING SPACE - A defined area for the parking of one (1) vehicle exclusive of drives, travel lanes, aisles, or entrances.

PERFORMANCE STANDARDS - Standards that are established to ensure that a particular improvement, land use or development will not exceed certain thresholds that if exceeded are anticipated to have a negative impact on the community at-large or on adjacent property.

PERMITTED USE - Any use allowed by-right in a zoning district that is subject to the restrictions applicable to that zoning district and reviewed for approval by zoning permit or site plan review.

PERSON - The word "person" means an individual, corporation, partnership, association, or other legal entity.

PERSONAL SERVICE ESTABLISHMENT - A business where personal services are provided for profit and where the sale of goods is only accessory to providing such services.

PLANNED UNIT DEVELOPMENT - A type of development and development process characterized by the flexible application of zoning regulations to encourage unified site design, diversity in development techniques, use of open space, and mix of building types and land uses.

PLAT - A map of a subdivision of land pursuant to the Land Division Act, Public Act 288 of 1967.

PREMISE - All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

PRINCIPAL BUILDING/STRUCTURE - The primary building or structure containing, housing, being occupied by the principal use of the premises or property.

PRINCIPLE USE - The main use to which the premises are devoted and the main purpose for which the premises exist.

PRIVATE ROAD - A private road or street shall be defined as a street or drive which provides access to two or more adjacent properties which is constructed and maintained by the owner or owners, and which is not dedicated for the general public use.

PUBLIC UTILITY - Any person, firm, corporation, municipal department, board or commission duly authorized to furnish, under federal, state or municipal regulations, to the public such items as electricity, gas, steam, communications, telegraph, transportation, or water.

RECREATION VEHICLE - A vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power, or mounted on or drawn by a motor vehicle.

RECREATION VEHICLE PARK - See “campground”.

RECYCLING FACILITY, LARGE COLLECTION - A facility for the collection and processing of recyclable materials. The facility is capable of accepting all material as accepted by a “small collection” facility as well as appliances, furniture, yard waste and other similar material. Acceptance of vehicles, construction equipment, agricultural equipment for scrap is not permitted. Processing shall be limited to the preparation of material for efficient shipment by baling, compacting, crushing, sorting, shredding, and cleaning.

RECYCLING FACILITY, SMALL COLLECTION - A self-serve facility for the collection of common household recyclable material, such as glass, metals, plastic containers, papers or other similar items in self-contained removable bins. No processing is permitted on site.

RESTAURANT - An establishment that is engaged in serving food and beverages consumed on its premises by customers seated at tables and/or counters and may be engaged in providing customers with take-out service or drive-through service.

RIGHT-OF-WAY - An area of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

SCHOOL - An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan.

SETBACK - The horizontal distance between a principal or accessory building or structure and the front, side and rear lot line. See definition for “Yard, Minimum Required”.

SETBACK, MINIMUM REQUIRED - The minimum required horizontal distance between the building or structure and the front, side and rear lot lines. The minimum required front,

side and rear setbacks on a lot establish the required yard and therefore buildable area of a lot. See definition for “Yard, Minimum Required”.

SHOPPING CENTER, PLANNED - A group of commercial uses, typically separated by common walls, that have been designed, developed and are managed as a unit by a single owner or tenant, or a group of owners or tenants and share such accommodations as parking, travel lanes and access to primary roads.

SIGN - Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof, by which anything is made known or that directs attention, or is specifically designed for purposes of advertising or identifying any establishment, product, good, or service, to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property. The following definitions also apply to the definition of signage:

- a. Animated Sign - Any sign that uses movement or change of lighting to depict or create a special effect or scene. See “Flashing sign” and “Changeable Copy Sign”.
- b. Awning Sign - A sign that is printed or otherwise affixed to an awning that may be rolled or folded up against the wall to which it is attached.
- c. Banner Sign - A sign made of fabric or any non-rigid material with no enclosing framework.
- d. Business Center - A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of freestanding or ground signs.
- e. Changeable Copy Sign (Automatic) - A sign on which the copy changes automatically on a lamp bank or through mechanical means.
- f. Changeable Copy Sign (Manual) - A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.
- g. Construction Sign - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- h. Directional/Information Sign - An on-premise sign giving directions, indicating traffic flow instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

- i. Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- j. Free-Standing Sign - A sign supported upon the ground by poles or braces and not attached to any building.
- k. Identification Sign - A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
- l. Illegal Sign - A sign which does not meet requirements of this code and which has not received legal nonconforming status.
- m. Illuminated Sign - A sign illuminated in any manner by an artificial light source.
- n. Incidental Sign - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- o. Maintenance - The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- p. Marquee Sign - Any sign attached to or supported by a marquee (a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building).
- q. Menu Board - A sign that is intended to service patrons using a drive-through facility.
- r. Nameplate - A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- s. Non-Conforming Sign - (1) A sign which was erected legally under previous ownership but which does not comply with subsequently enacted sign restrictions and regulations. (2) A sign, which does not conform, to the sign code requirements but for which a variance has been issued.

- t. Political Sign - For the purposes of this Ordinance, a temporary sign used in connection with a local, state, or national election or referendum.
- u. Portable Sign - A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground.
- v. Projecting Sign - Any sign affixed to a building or wall in such a manner that its leading edge extends beyond the surface of such building or wall.
- w. Real Estate Sign - A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
- x. Sandwich Board Sign - A temporary, portable sign consisting of two (2) advertising boards laid back-to-back and at least partially supported by each other.
- y. Subdivision Identification Sign - A free-standing sign identifying subdivision, condominium complex, or residential development.
- z. Wall Sign - A sign attached parallel to and extending not more than 8 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs.
- aa. Window Sign - A sign installed inside a window and intended to be viewed from the outside.

SITE PLAN - A drawing or illustration showing all salient features of a proposed development so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

SITE PLAN REVIEW - The submission of a site plan for review by the appropriate Board or Commission to establish conformance with this Ordinance prior to commencement and implementation of use.

SOLID WASTE PROCESSING FACILITY - A tract of land, building, unit, or appurtenance of a building or unit or a combination of land, building and unit that is used or intended for use for the processing of solid waste or the recovery of recyclable or compostable materials. The facility shall not include incinerators, waste from or to energy plants, junkyards or salvage operations.

SOLID WASTE TRANSFER FACILITY - A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the re-handling or temporary storage of solid waste or recyclable goods incidental to the transportation of solid waste.

SPECIAL LAND USE - A use that would be inconsistent with or detrimental to other uses permitted in the same zoning district unless carefully considered as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood and may be permitted if proper safeguards are taken.

STATE LICENSED RESIDENTIAL FACILITY - A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 287 of Public Acts of 1972, as amended, being Section 331.681 to 331.694 of the Michigan Compiled Laws or Act No. 116 of the Public Acts of 1973, as amended, being Section 722.111 to 722.128 of the Michigan Compiled Laws.

STORY - That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, BASEMENT - For the purposes of this Ordinance, a basement shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured.

STORY, HALF - The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clean height of at least seven (7) feet six (6) inches.

STREET - A public or private traffic way having a right-of-way and which affords the principal means of vehicular access to the abutting property.

STRUCTURE - Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location on or below the ground.

SWIMMING POOL, COMMUNITY - A constructed or fabricated water containment improvement, including structures necessary and incidental thereto, owned and operated by an association of members for the benefit of such association with the use such pools is restricted to members and their guests.

SWIMMING POOL, SEASONAL - A fabricated water containment system that consists of an inflatable device, PVC mounted liner, or similarly mass-produced system that is owned and operated by a landowner of the parcel on which situated and for use only by the residents of the parcel on which situated and their guests. Such swimming pools are considered seasonal and provisions are provided herein concerning the location of such swimming pools and requirements for seasonal removal.

SWIMMING POOL, PRIVATE - A constructed or fabricated water containment improvement, including structures necessary and incidental thereto, owned and operated by a landowner of the parcel on which situated and for use only by the residents of the parcel on which situated and their guests.

TEMPORARY BUILDING/USE - A building or use permitted by the Zoning Official to exist during periods of construction of the main building, or site improvements.

THEATER - A place, either indoor or outdoor, where plays, operas or motion pictures are presented.

USE - The lawful purpose, for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let or leased.

VARIANCE - A variance is the modification of the regulations and/or literal provisions of this Ordinance by the Board of Appeals where strict enforcement of those regulations and/or provisions would cause undue hardship and/or practical difficulty as a result of special circumstances affecting a particular property that do not generally affect other properties or the community in general.

VETERINARIAN, LARGE ANIMAL - An establishment where agricultural animal patients (equine and traditional food animal species, such as cows, pigs, sheep, etc.) are examined and treated by a veterinarian. A large animal veterinary clinic may include pastures, barns, and arenas to accommodate overnight stays, observations and temporary treatments.

VETERINARIAN, SMALL ANIMAL - An establishment where domesticated, non-agricultural, animal patients are examined and treated by a veterinarian. A veterinary clinic may include pens or cages enclosed within the walls of the principal clinic building to accommodate overnight stays and temporary treatment.

VEHICLE FUELING STATION - A place where gasoline, motor oil, lubricants, and minor accessories related to the daily operation of an automobile are retailed directly to the public on the premises in combination with the retailing of convenience items typically found in a convenience market, carryout restaurant or supermarket.

VEHICLE REPAIR AND SERVICE FACILITY - An establishment for the repair or replacement of parts in a motor vehicle.

VEHICLE SALES AREA - An open area used for the display, sale or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.

VEHICLE WASH FACILITY - A building or portion thereof containing facilities for washing automobiles, trucks, motorcycles, and other light load vehicles, using a chain conveyor, blower, steam cleaning device, or hand-held device.

WAREHOUSE - A building, structure or portion thereof used for storage of goods, merchandise or materials, but does not include self-storage facilities or storage in connection with a purely retail business when located on the same property.

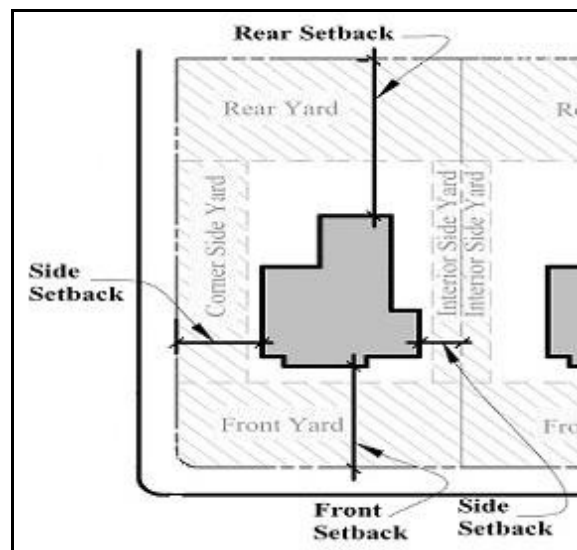
WATERCOURSE - Any waterway or other body of water having well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds.

WETLANDS - Land that is generally or intermittently covered with water and poorly drained and due to surface and/or sub-surface soil characteristics are self-contained water resources. Terms in common include “bogs”, “marshes”, and “swamps”.

WETLAND, REGULATED - Wetlands regulated by the Michigan Department of Environmental Quality (MDEQ) pursuant to Public Act 451, as amended. Such lands generally are characterized by the presence of water at a frequency and duration to support aquatic life. In general, regulated wetlands are contiguous to an inland lake, pond, river or stream, or if not contiguous, then more than five (5) acres in size.

YARD, FRONT - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation.

YARD, MINIMUM REQUIRED - An open space of prescribed width or depth between a building, structure or use and a property or lot line on the same land with such buildings, structures, or use that is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. See illustration below:



YARD, REAR - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard, which shall be determined by the owner.

YARD, SIDE - An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.

ZONING ADMINISTRATOR - An individual appointed, hired, or contracted by the City Council to administer this Ordinance.

ZONING DISTRICT - A portion of the City within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

ZONING LOT - A single tract of land that upon applying for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record, or portions thereof.

ZONING PERMIT - A document provided by the Zoning Administrator signifying that a requested use or improvement is in compliance with the provisions of this Ordinance as to use, activity, bulk, and density.

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