

## ARTICLE II

### DEFINITIONS

#### 2.0 RULES APPLYING TO INTERPRETATION

The following rules of construction shall apply to the interpretation of the text of this Ordinance.

- A. Except with respect to the definitions which follow in Section 2.1, the headings that title an article, section or subsection of this Ordinance are used for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- B. Unless the context clearly indicates to the contrary:
  - 1. Words used in the present tense shall include the future tense;
  - 2. Words used in the singular number shall include the plural number; and
  - 3. Words used in the plural numbers shall include the singular number.
- C. The word "person" includes a firm, association, partnership, joint venture, corporation, company, trust, municipal or public entity or equivalent entity or a combination of any of them as well as a natural person.
- D. The word "shall" is always mandatory and not discretionary, the word "may" is permissive.
- E. The word "used" or "occupied" as applied to any land, building or structure, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- F. The words "legal record" mean the circumstance where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds, Allegan County, Michigan.
- G. The word "City" means the City of Fennville, Allegan County, Michigan.
- H. The words "City Commission" mean the City Commission of the City of Fennville.

- I. The words "Planning Commission" mean the Planning Commission of the City of Fennville.
- J. The words "Board of Appeals" mean the Zoning Board of Appeals of the City of Fennville.
- K. Any word or term that is not defined in this Ordinance shall be considered to be defined in accordance with its common or standard definition.

## 2.1 DEFINITIONS

### A. (? A? )

#### 1. Accessory Building

**A structure, building or portion of a main building or structure on the same lot or parcel of land as the main building or structure, the use of which is of a nature customarily and clearly incidental and subordinate to the use of the main building or structure. Where an accessory building is attached to a main building in a substantial manner by a roof, such accessory building shall be considered part of the main building, including a carport, covered porch or other roofed structure.**

#### 2. Accessory Use

A use of a nature customarily and clearly incidental and subordinate to the main or principal use of the land, lot, building or structure.

#### 3. Adult Foster Care Facility

"Adult Foster Care Facility" means a governmental or nongovernmental establishment having at its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility includes homes for the aged. Adult foster care facility does not include any of the following:

- a. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult

correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care.

- b. A facility created by Act No. 152 of the Public Acts of 1885.
- c. A nursing home licensed under Article 17 of Act No. 368 of the Public Acts of 1978, as amended.
- d. A hospital licensed under Article 17 of Act No. 368 of the Public Acts of 1978, as amended.
- e. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under Act No. 258 of the Public Acts of 1974, as amended.
- f. A county infirmary operated by a county department of social services under Section 55 of Act No. 280 of the Public Acts of 1939.
- g. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Act No. 116 of the Public Acts of 1973, as amended. If the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the greater of 2 persons or 5% of the number of residents in the institution, camp or home, and if all of the residents in the institution, camp or home are less than 26 years of age.

4. Aged

An adult whose chronological age is 60 years of age or older or whose biological age, as determined by a physician, is 60 years of age or older.

5. Alley

A publicly or privately controlled right-of-way not more than thirty (30) wide affording only secondary means of vehicular access to abutting lots and lands and which is not intended for general traffic circulation.

6. Alterations

Any change, addition, or modification in the construction of any building or structure, including but not limited to any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure, any architectural change of the interior or exterior of a building or structure that may affect its structural integrity, or any addition to or diminution of a structure or building.

7. Animal

**Animal shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.**

8. Automobile or Trailer Sales Area

An area used for the display, sale or rental of new and used motor vehicles, boats, trailers or recreation vehicles (including mobile homes) in operable condition and where no repair work is done.

9. Automobile Repair ? Major

Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers, collision services, such as body, frame or fender straightening and repair, overall painting and vehicle rust proofing.

10. Automobile Repair ? Minor

Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

11. Automobile Wash Establishment

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles and in which the driver remains in or near the vehicle.

B. (? B? )

1. Basement or Cellar

That portion of a building which is partly or wholly below 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.

2. Bed and Breakfast Facility

A bed and breakfast facility is a private residence, other than a hotel, where lodgings and light breakfasts for persons, other than family, are regularly served for compensation, and is licensed by the State of Michigan as a Bed & Breakfast Inn.

3. Bedroom

The term bedroom means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.

4. Billboard

Any building or structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising either: (a) a business, service, entertainment, activity, or event which is not conducted on the land upon which the building is located; (b) a product which is not primarily sold, manufactured, processed, or fabricated on the land upon which the building is located; (c) a second building which is not located on the land upon which the first building is located; (d) a geographical location or place which is not located on the land upon which the building is located; or (e) a person. However, any building which meets the definition of a directional sign shall not be considered to be a billboard.

5. Block

**The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street or railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and other barrier to the continuity of development, or corporated boundary lines of the City of Fennville.**

6. Building

A building is an edifice, framed or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose. Building in this sense includes a trailer, tent, or vehicle used as a dwelling.

7. Building, Existing

**An ? existing? building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance: Provided, that the construction of any such building continues uninterruptedly and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full-assessed value as of record at the time of damage shall not be considered an existing building.**

8. Building, Height

Building height is the vertical distance from the average elevation of the adjoining natural grade paralleling the front, or if on a street corner, the front and side, of the building, to the highest point of the roof surface if the roof is flat; to the deck line, if the roof is the mansard type; or the average height between the eaves and the ridge if the roof is gable, hip or gambrel type. (See figure 1)

9. Building Line

A line parallel to the front lot line, and which marks the location of the building.

10. Building Inspector

The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

11. Building Permit

**A permit signifying compliance with the provisions of this Ordinance, as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the City of Fennville.**

12. Building Site

A lot, or a two dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads.

C. (? C? )

1. Church

A church is a building used principally for religious worship, but the word ? church? shall not include or mean an undertaker? s chapel or funeral building.

2. Clinic, Medical

A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by one or more professional, such as a physician, dentist or the like.

3. Clinic, Veterinary

A building or group of buildings where animals are admitted, treated and may be kept overnight for examination and treatment by one or more professional or paraprofessional.

4. Commercial Use  
A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises. Garage, rummage, basement, porch, lawn sales and similar sales conducted on residential premises are hereby deemed a commercial use, if such sales are conducted on more than two (2) occasions during any consecutive twelve (12) month period or if either of said two sales lasts for more than six (6) days.
5. Commercial Vehicle  
Any motor vehicle other than a motorcycle or passenger automobile designed or used primarily for transportation of persons or property.
6. Common Elements  
Portions of the condominium project other than the condominium units.
7. Condominium Unit  
That portion of the 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, recreational, or any other type of use.
8. Construction  
The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

9. Convalescent or Nursing Home

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

10. Curb Level (Grade)

Curb level or grade is the mean level of the established curb in front on the building. Where no curb has been established the City Engineer shall establish such curb level for the purpose of these regulations.

D. (? D? )

1. Day Care Facility

a. Child Care Center: A facility, other than a private residence, receiving one (1) or more pre-school or school aged children for care for a period of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility, which provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility includes childcare center, day care center, day nursery, nursery school, parent cooperative preschool, playgroup, or drop in center.

b. Family Day Care Home: A private home in which one (1) to six (6) minor children are received for 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. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

c. Group Day Care Home: A private home in which more than six (6) but not more than twelve (12) minor

children 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 minor child for more than four (4) weeks during a calendar year.

2. Development

Means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

3. Developmental Disability

A disability as defined in Section 500(h) of Act No. 258 of the Public Acts of 1974, as amended.

4. Dwelling

**A house or building, or portion thereof, which is occupied wholly as a home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.**

**In cases of mixed occupancy, where a building is occupied in part as a home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, the part so occupied shall be considered to be a dwelling for the purpose of this ordinance and shall comply with the provisions regulating dwellings.**

- a. Dwelling, Multiple: A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including homes.
- b. Dwelling, One-Family: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for

one (1) family only. Every one family dwelling shall have a minimum width throughout the entire length of the dwelling of twenty-four (24) feet measured between the exterior part of the walls having the greatest length.

- c. Dwelling, Two-Family: A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.
- d. Dwelling Unit: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling in single-family, two-family or multiple-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.
- e. Efficiency Unit: 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 providing not less than three hundred and fifty (350) square feet of floor area.

E. (? E? )

1. Erected

The word "erected" includes built, constructed, reconstructed, moved upon; and "erecting" includes any physical operations required for the building on the premises where the building is being constructed, reconstructed or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

## 2. Essential Services

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, fuel, or water transmission or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith, which are reasonably necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare. This definition shall not include buildings, sanitary landfills, land application of sewage sludge, recycling centers, refuse transfer stations or similar transfer stations. This definition shall also not include antennas which are exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications which radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunication signals or other communication signals. This definition shall further not include towers which are designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes; radio and television transmission towers; microwave towers; common-carrier towers; or cellular telephone towers.

## 3. Excavation

**Any breaking of ground, except common household gardening and ground care.**

### F. (? F? )

#### 1. Family

- a. Domestic Family: One or more persons living together and related by blood, marriage, or adoption together with servants of the principal occupants and

not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in the dwelling.

- b. Functional Family: Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and 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. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

2. Farm

**The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.**

3. Fence

**A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not part of a principal building or structure or other accessory structure.**

4. First Story

A first story is the lowest story of a building the ceiling of which is more than six (6) feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls. (See figure 2)

5. Flood or Flooding

Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters.

- b. The unusual and rapid accumulation or runoff of surface waters from any source.

6. Floor Area

- a. One-Family Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- b. Multiple-Family Residential: For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the horizontal areas of the several rooms measured from the interior faces of the walls of each room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.
- c. Usable (for the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or used 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, or for utilities or sanitary facilities, shall be excluded from this computation of ? Usable Floor Area? . Measurement of usable floor area shall be the sum of the horizontal areas of several floors of the building, measured from the interior faces of the exterior walls.

7. Frontage

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

G. (? G? )

1. Garage, Automotive Commercial  
Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire or sale, where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.
2. Garage, Private  
A private garage is a building or other structure designed for the housing of automobiles and having capacity for not more than three (3) automobiles.
3. Garage, Public  
A public garage is any building or premises, other than a gasoline filling station, used for the housing or care of more than three automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire or sale.
4. Gasoline Filling Station  
A gasoline filling station is a space, structure, building or part of a building, used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, other accessories, motor vehicle washing or lubricating; or customary facilities for the installation of such commodities in or on such motor vehicles, including special facilities for minor repair or similar servicing thereof.
5. Grade, Natural  
The natural grade is the elevation(s) of the ground surface in its natural state; before man-made alterations.
6. Greenbelt  
A greenbelt, wherever required by this Ordinance, shall be a planting strip or buffer strip, at least ten (10) feet in width, which shall consist of deciduous or evergreen trees or a mixture of both, spaced not more than thirty (30) feet apart and at least one (1) row of dense shrubs

spaced not more than five (5) feet apart and which grow approximately five (5) feet wide and five (5) feet or more in height after one (1) full growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

H. (? H? )

1. Hazardous Materials

Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

2. Home Occupations

**A home occupation is any occupation or profession carried on by one or more members of a family, residing on the premises; provided that no commodity other than those customarily associated with the business is sold upon the premises; provided further, that no mechanical equipment is installed except such as would be normally used for purely domestic or household purposes; provided further, that not over twenty-five (25) percent of the total actual floor area of any story is used for home occupation or professional purposes. Doctor's offices, animal hospitals, nursery schools and engine repair are examples of uses NOT considered home occupations.**

a. Class I Home Occupations: Home occupations allowed by right in all residential districts include but are not limited to: dressmaking; teacher with musical, art or dancing instruction, limited to no more than six (6) pupils at a time; author, artist, musician, clerk, computer internet marketing; accountant; or licensed family day care home.

b. Class II Home Occupations: Home occupations involving: retail sales on the premises; use of an accessory structure for the occupation or for storage of goods, materials or equipment; wholesale activities; parking of one (1)

commercial vehicle (semi trailers are specifically excluded) on the premises.

I. (? I? )

1. Institutional Uses

Churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

J. (? J? )

1. Junk Yard

Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste, paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

K. (? K? )

1. Kennel

Any lot or premises on which three (3) or more common house pets are kept permanently or temporarily boarded outside of the principal structure.

L. (? L? )

1. Laboratory

A place devoted to experimental, routine study or basic study such as testing and analytical operations, and which

manufacturing of product or products, except prototypes for testing market, is not performed.

2. Land Use Plan, Official  
The plan so designated by the Planning Commission.
3. 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.
4. Loading Berth  
An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.
5. Lodging House  
A lodging house is a building or part thereof, other than a hotel, including so-called tourist homes, where lodgings are provided for hire, more or less transiently, and with or without provision for meals.
6. Lot  
A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public street or road either dedicated to the public or designated on a recorded subdivision. (See figure 3)
7. Lot Area  
Area of a lot bounded by lot lines.
8. Lot, Corner

**A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a**

curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

**9. Lot Coverage**

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and or lathe roofs, or fully roofed but shall not be deemed to include fences, walls or hedges used as fences, or swimming pools.

**10. Lot, Zoning**

A single tract of land, located within a single block, which at the time of filing for a building 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.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located.

**11. Lot Line**

A boundary line of a lot.

**12. Lot Line, Front**

The exterior line or right-of-way of a road on which a lot front or abuts.

**13. Lot Line, Rear**

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

**14. Lot Line, Side**

Any lot line not a front or rear lot line.

**15. Lot of Record**

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**16. Lot Width**

The average distance between side lot lines measured at the building line, on a line parallel to the street, and measured at right angles to the side lot lines.

M. (?M? )

1. Mental Illness

A substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.

2. Mezzanine

An intermediate floor in any story not to exceed one-third (1/3) of the floor area of such story.

3. Mini-Warehouses

Mini-warehouse buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customers goods or wares.

4. Mobile Home

A structure transportable in one (1) or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1976). All mobile homes must conform to the U.S. Department of Housing and Urban Development's Code for mobile homes. Mobile home includes a double-wide unit.

5. Mobile Home Park

A parcel or tract of land, under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended or used incidental to the occupancy of a

mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

**6. Modular**

A structure which meets the requirements of the State building and construction code, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems.

**7. Motel, or Motor Hotel**

A building or a series of attached, semi detached, or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval of the City Commission with the exception of units for use of the manager and/or caretaker.

N. (? N? )

**1. New Construction**

Means structures for which the ? start of construction? commenced on or after the effective date of this Ordinance.

**2. Non-Conforming Lot of Record ? Substandard Lot**

A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located. (See figure 4)

**3. Non-Conforming Structure**

A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback, height and/or area requirements of the zoning district in which it is located.

**4. Non-Conforming Use**

A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located. (See figure 5)

**5. Nuisance**

The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, seweraged, drained, cleaned, or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

**O. ( ? O? )**

**1. Off-Street Parking Lot**

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**2. Open Front Store**

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

**3. Open Air Business**

a. Shall be defined to include the following:

Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

b. Sidewalk cafes.

c. Retail sale of fruits and vegetables.

d. Tennis courts, archery court, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.

e. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.

- f. **Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.**

**P. (? P? )**

**1. Parcel**

**A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this Ordinance, and having its frontage on a public or private street.**

**2. Parking Space**

**An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles. Perpendicular and angle parking spaces shall have a minimum dimension of nine by eighteen (9 x 18) feet. Parallel parking shall be a minimum of eight by twenty (8 x 20) feet in dimension.**

**3. Physical Disability**

**A determinable physical characteristic of an individual which may result from disease, injury, congenital condition of birth, or functional disorder.**

**4. Public Utility**

**A public utility is any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, drainage or water.**

**R. (? R? )**

**1. Recreation Vehicles**

**A vehicle primarily designed as temporary living quarters or recreational, camping, or travel purposes, including a vehicle having its own motor power**

or a vehicle mounted on or drawn by another vehicle. (Act 419, Michigan P.A. of 1976, as amended)

**2. Repairs**

Repairs are the rebuilding or renewal of an existing building for the purpose of maintaining its original type and classification.

**3. Research and Development Facility**

A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories.

**4. Restaurant, Drive-In**

A drive in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

- a. Foods, frozen desserts, or beverages are served directly to the customer in motor vehicles either by a carhop or by other means which eliminates the need for the customer to exit the motor vehicle.
- c. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged or permitted.

- 5. Restaurant; except Drive-In:** A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages (alcoholic and non-alcoholic) to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

- 1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee

at the same table or counter at which said items are consumed.

2. A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic or non-alcoholic) generally are consumed within the restaurant building.

6. **Restaurant, Bar/Lounge/Tavern:** A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

7. **Road or Street, Public**  
A public right-of-way of sixty (60) feet or more in width which has been dedicated for the purposes of providing access to abutting private lots of land including the space for pavement and sidewalks.

S. (? S? )

1. **Satellite Dish Antenna**

A parabolic or spherical type of antenna which is used for communications with a satellite based system located in planetary orbit.

2. **Setback**

The minimum horizontal distance a foundation or wall of a building or structure or any portion thereof is required to be located from the boundaries of a lot, parcel, or building site upon which the same is situated.

3. **Shed**

A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one (1) story structure attached to, or auxiliary to another building and intended for storage only.

4. **Shopping Center**

A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area.

5. Sign

Any building or structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising either: (a) a business, service, entertainment, activity or event which is conducted on the land upon which the building is located; (b) a product which is primarily sold, manufactured, processed or fabricated on the land upon which the building is located;

(c) a second building which is located on the land upon which the first building is located; or (d) a geographical location or place which is located on the land upon which the building is located.

- a. Business Sign: Any sign displayed for advertising (a) a business service, or entertainment conducted on the land where the building is located; or (b) products primarily sold, manufactured, processed or fabricated on such land. A business sign does not include any advertising inside a building, even if the advertising is visible from the outside through a window or door of the building.
- b. Directional Sign: Any sign erected adjacent to a street which identifies, points toward and gives the distance to any public or semi-public building, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity, or event, or any sign erected on a building identifying an entrance or exit to the building.
- c. Real Estate Sign: Any sign used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

- d. **Identifying Sign:** Any sign on the same premises it identifies which serves only: (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church or institution, (2) to tell the name or address of an apartment house, hotel or motel or, (3) to inform the public as to the use of a parking lot.
- e. **Name Plate:** A sign affixed flat against the window, door, or wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
- f. **Temporary Sign:** A sign which when erected is anticipated to remain in place and to contain current information of value to the reader for a period less than thirty (30) calendar days.

**6. Site Condominium Project**

A plan or project consisting of not less than two (2) condominium units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.

**7. Special Use Permit**

A use permitted only where specified facts and conditions, detailed in this Ordinance, are found to exist. The facts and conditions set forth in this Ordinance for the exception must be met without modification or alteration, unless a variance, as defined, is obtained pursuant to the provisions of Section 22.4.

**8. Structure**

See ? Building? , and in addition any man-made surface feature or designed earth feature (other than normal finished grading for drainage purposes), including carports, garden houses, pole barns, sheds, pergolas, decks, porches, playhouses, game courts, gas or liquid storage facility as well as a mobile home.

**9. Structural Changes or Alterations**

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

**10. Substantial Improvement**

Means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, ? substantial improvement? is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**11. Swimming Pool**

Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

T. (? T? )

**1. Temporary Building or Use**

A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.

**2. Townhouses**

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling. Townhouse shall not be used as a synonym for the term ? condominium? which refers to how property or space is owned rather than for a particular housing style.

**3. Trailer**

The term "trailer" includes any trailer coach, motor home, tent camper, demountable camper, utility trailer or unit designed as a vacation unit for short-term seasonal occupancy, which measures nine (9) feet or less in width, and thirty-five (35) feet or less in length, which is designed to be operated on highways, which is in good running condition and which complies with all requirements of state law for licensing of such vehicles.

**4. Trunkline Highway**

A roadway which provides for traffic movement between areas and across the City and provides access to abutting properties.

**U. (? U? )**

**1. Use**

The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**W. (? W? )**

**1. Wall, Obscuring**

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**Y. (? Y? )**

**1. Yard**

A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure. (See figure 6)

**2. Yard, required**

That portion of any lot on which the erection of a main building is prohibited.

**3. Yard, front**

**A yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.**

**4. Yard, rear**

**A yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.**

**5. Yard, side**

**A yard on the same lot with a building between the side lot line and the nearest side-line of the building and extending from the rear yard to the front yard.**

**6. Yard, corner lots**

**On corner lots the front yard requirements shall apply on the street having the mailing address. The street side yard setback on corner lots shall be twenty (20) feet. The rear yard on corner lots shall be opposite the street address front yard and the setback shall not be required to be more than twenty (20) feet.**