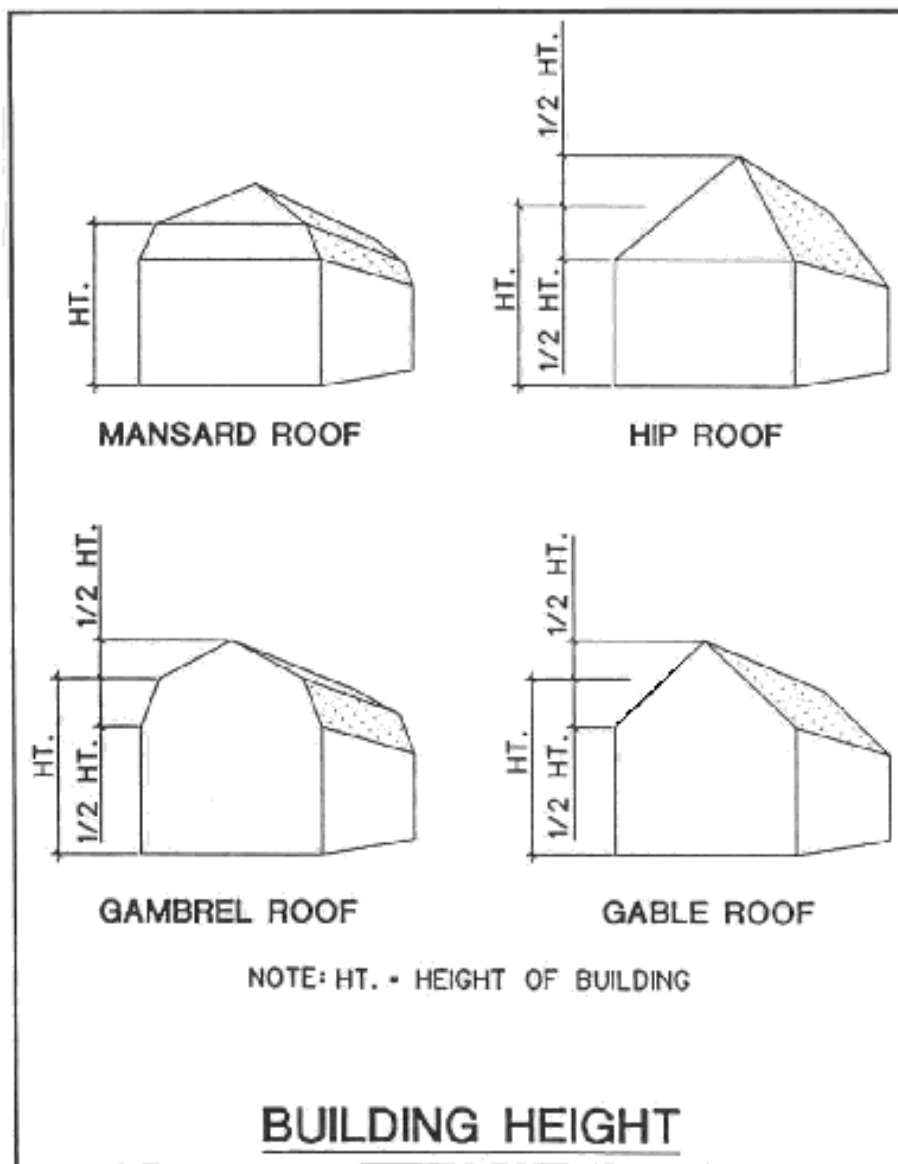


## **ARTICLE 2 DEFINITIONS**

### **2.01 DEFINITIONS**

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For these regulations, certain terms and words are defined as follows:

1. Accessory Use, Building or Structure - A use, building, or structure on the same lot, of a nature customarily incidental and subordinate to the principal use, building, or structure. All require a Zoning Compliance Permit. Structures of less than 100 square feet do not require a building permit.
2. Alley - A passage or way open to the public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.
3. Alterations - An alteration may be a change in construction or a change of occupancy. Where the term alteration is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction. When the term is used concerning the change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another or from one division of a trade or use to another.
4. Attached - Part of the principal building joined by common major structural elements.
5. Basement - A portion of a building, or a portion of a room, located wholly or partially below grade.
6. Building – Any enclosed structure having a roof supported by columns, walls, or other support, used for the purpose of dwelling or storing of persons, animals, or property, or carrying out of business activities, or similar uses.
7. Building Height - The vertical distance measured from the average finished grade of the front of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip, and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall (see illustration entitled Building Height)



8. Complementary - Complementary shall be defined as having siding and roofing of like materials and incorporate a similar roof pitch.
9. Corner Lot – A lot that has frontage on two (2) streets and occupies the interior angle of the intersection of two (2) street rights-of-way lines that make an angle of less than 145 degrees.
10. Detached – A building not attached to any other unit by any other means.
11. Dwelling or Dwelling Unit - A building designed for use and occupancy by one family, for living and sleeping purposes, containing bath and kitchen facilities.
12. Dwelling, Single-Family - A dwelling designed and arranged so as to provide living, cooking, and bath facilities for one family only.
13. Dwelling, Two-Family - A dwelling designed and arranged so as to provide living, cooking and bath facilities for two individual families only.

14. Dwelling, Multiple-Family – A building designed or used exclusively for and containing three or more dwelling units, each containing their own cooking and bath facilities. Multiple Family Dwellings include apartment houses, studio apartments, kitchenettes, garden apartments, townhouses, and all other dwellings similarly occupied.
15. Dump - Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose, of trash, refuse, or waste material of any kind.
16. Essential Services - Public utilities regulated by the Michigan Public Service Commission, municipally owned infrastructure or other public or quasi-public services licensed or authorized by local, state or federal governments to provide services to the general public for the collection, communication, supply, disposal, transmission or distribution of gas, telephone, cable, electric, steam, water, or sewage, including related equipment, fixtures, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, (but not including buildings or structures outside of public rights-of-way) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.
17. Exotic Animals – Any wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which ordinarily would be confined to a zoo or which would ordinarily be found in the wilderness of this or any other country. This shall also include any animal that a person is prohibited from possession by law, or any poisonous snake, animal, or other species. Exceptions shall be made for certain domesticated varieties of birds and small (less than 24 inches long) non-poisonous snakes and lizards, which are caged or otherwise contained within a dwelling unit.
18. Family – is defined as: a) An individual or group of two or more persons related by blood, marriage, adoption, foster children and legal wards, including servants who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or b) a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, or organization.
19. Family Day Care – A private home in which one to six children are received for care and supervision, including those children less than seven years old in the resident family. This number shall not include more than two children less than twelve months old. A family day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended. A family day-care home shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a Special

Land Use permit or procedure different from those required for other dwellings of similar density in the same zone.

20. Farm - All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided however that land to be considered a farm hereunder shall include a contiguous parcel of not less than 40 acres in area but may contain additional associated acreage on which farming is carried on directly by the owner or his agent or by a tenant farmer.” Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, apiaries, raising of livestock, dairy, sod, forestry, and similar bona fide agricultural enterprises of uses of land and structures. The terms” Farming” and “Agricultural” shall be considered as synonymous.
21. Farm Animals - Farm animals are all animals customarily raised or kept for the production of food or for draft labor, such as horses, goats, sheep, swine, llamas, geese, ducks, turkeys, poultry, or cattle that are not household pets, wild animals, or exotic animals.
22. Foster Care Facility: Means an establishment that provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home, licensed under Article 17, of the public health code, Act No. 368 or the Public Acts of Michigan or 1978 (MCL 333.20101 et seq.), or a hospital for mentally challenged patients licensed under section 134-150 of Act No. 258 of the Public Acts of Michigan of 1974 (MCL 330.1135 et seq.)
  - 1) Family Home: Is a facility that provides foster care to six or fewer persons that is licensed by the state pursuant to the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being MCL 400.701 to 400.737 or Act.No. 116 of the Public Acts of 1973, as amended, being MCL 722.111 to 722.128. These facilities shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single-family dwellings, and shall not be subject to a special land use or conditional use permit or procedures different from those required for other dwellings of similar density in the same zone.
  - 2) Group Home: Is a facility that provides foster care to seven or more persons.
23. Garage - A garage is any building for storage of private passenger vehicles where no servicing for profit is conducted.
24. Group Day Care - A group day care home is a private residence for the care and supervision of children or adults for less than 24 hours operated by a person who permanently resides as a member of the household. (See also institutional care facilities.) A group day care home is further defined as follows:
  - a. Family Day Care: A private residence in which less than seven minor children are received for care and supervision for less than 24 hours, which is licensed

under the guidelines of the State of Michigan.

- b. **Group Day Care Home:** A private residence in which 7 to 12 children are received for care and supervision for less than 24 hours, operated by a person who permanently resides as a member of the household. This number shall not include more than two children younger than two years old. A group day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended.
  - c. **Adult Day Care Home:** Adult day care home means a private dwelling in which persons 18 years of older are provided temporary supervision, personal care and protection, for periods less than 24 hours a day, operated by a person who resides as a member of the dwelling.
25. **Home Occupations –** A home occupation is an occupation or profession customarily incidental and secondary to the use of the residential dwelling, carried on as a subordinate use by a member the residence provided that no such use shall change the character of the residence and that such occupation, shall be located entirely within the residence.
26. **Household Pets—**are domesticated dogs or cats, fish, caged birds, rodents, lizards, rabbits, non-venomous spiders, pot bellied pigs, ferrets.
27. **Institutional Care Facility -** An institutional care facility is a facility for the care of children or adults such as, but not limited to, hospitals, extended-care facilities, and nursing homes. Institutional care facilities do not include state licensed residential facilities, or adult foster care facilities. Institutional care facilities can be further defined as follows:
- a. **Child Care Center:** A facility, other than a private home, where one child or more is received for care and supervision for periods less than 24 hours per day. Child care centers do not include family or group day care homes or schools. Child care and supervision provided as an accessory use while parents or guardians are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or be a fitness center or similar operation shall be considered accessory to the principal use and shall not be considered as a Child Care Center.
  - b. **Inter generational Day Care:** A day care facility that combines the care of children with the care of adults. ( This could be expanded to read: 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 Michigan of 1973 (MCL,722.111-722.127), if the number of residents who become 18 years of age while residing in the facility, does not exceed the following:
    - 1. Two, if the total number of residents is ten or fewer.

2. Three, if the total number of residents is not less than 11 and not more than 14.
3. Four, if the total number of residents is not less than 15 and not more than 20.
4. Five, if the total number of residents is 21 or more.

c. Assisted Living Facilities: Assisted living facilities provide care to elderly individuals as a special combination of housing, personalized supportive services, and health care. Assisted living facilities include independent living facilities, senior housing, or extended-care facilities. Assisted living facilities are not regulated or licensed by state agencies.

d. Extended-Care Facilities: Extended-term care facilities provide inpatient nursing and health related personal care other than in a private home, in which one or more adults who are aged or physically impaired, are received for care and supervision. Extended-term care facilities include nursing homes, hospice facilities, sub acute care facilities, and homes for the aged as regulated by Act No. 368 of 1978 Public Health Code, as amended.

28. Junk – The terms “junk”, “trash”, “litter” are used synonymously and each as herein shall include any of the following: used articles or used pieces of iron, scrap metal, vehicle bodies, parts of machinery , discarded machinery, equipment, lumber, garbage, industrial by-products or waste, empty containers, bottles, crockery, utensils, boxes, barrels, pallets, tires, abandoned swimming pools, and all other such articles which are not completely enclosed or housed within a building.
29. Junkyard/Salvage Yard – Any parcel of land or building maintained or operated for the purchase, sale, exchange, storage, dismantling, disassembly, handling, dumping, displaying or baling of materials including, but not limited to, paper, rags, scrap metals, construction materials, motor vehicles, machinery, used oil or waste, trailers, furnishings, appliances, or parts thereof excluding those uses carried on within an enclosed building.
30. KENNEL: Any land, lot, building, or structure where three(3) or more adult dogs and/or six (6) or more adult cats, six months of age or older, either permanently or temporarily are boarded, housed or bred for commercial purposes excluding veterinary hospitals and commercial pet stores.
31. Lot - A parcel of land occupied or to be occupied by a use or building and its accessory buildings. A lot must have a permanent parcel identification number for assessment purposes and must either be of adequate size having the required frontage on a street for the district in which it is found or have been a legal lot of record before the adoption of

this ordinance.

32. Lot, Corner-- On a corner lot the side setback that adjoins a street right-of-way shall be the same as the front setback requirement.
33. Lot Coverage – The percentage of the lot or parcel covered by roofed buildings or other structures, principle and accessory, located thereon.
34. Lot, through – A through lot has street frontage on two non-adjacent sides of the lot.
35. Lot Width - The distance between side lot lines measured at the building line, on a line parallel to the street. The minimum lot width is established for each zoning district according to the schedule of district regulations. A lot must have the required width on a street for the district in which it is located. No part of the lot may be less than the required lot width.
36. Manufactured Home - Manufactured Home or modular means any building or similar structure that is transportable in one or more sections, which is constructed off site of its permanent location, to permit occupancy as a year-round dwelling with or without permanent foundation. A manufactured home includes the plumbing, heating, air conditioning, and electrical systems contained within the structure, and intended to be connected to the required utilities, pursuant to the requirements of the State Building Code.
37. Mobile Home – means a structure transportable in one or more sections, which is built on a chassis and designed to be used as a single dwelling unit connected to the required utilities and includes the plumbing, electrical, heating and cooling systems that are contained within the structure.
38. Mobile Home Park - Any site, field or tract of land upon which three (3) or more occupied mobile homes are located on a continual, non-recreational basis which is offered to the public, for that purpose whether revenue is collected or not, together with any building, structure, enclosure, street, equipment, or facility used or for incidental use to the occupancy of a mobile home.
39. Mobile Home Subdivision – Any site, field or tract of land where a mobile home park is located with the exception that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.
40. Multiple Uses of Buildings - Two or more commercial establishments or group of businesses that provide a variety of merchandise and/or services occurring within a single structure that requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.
41. Nonconforming - A building, structure, lot/parcel or use of land, lawfully existing at the

time of the enactment of this ordinance, or affecting amendment, that does not conform to the regulations, minimum frontage or area requirements, minimum setback requirements or use requirements of the zoning district in which it is located.

42. Open Air Business – shall be defined to include a business, in which a substantial part of which involves activities, sales, display or storage of goods or equipment occurs wholly or in part, outside of a fully enclosed building, including lawn and garden centers, nurseries/greenhouse, retail sale of fruits and vegetables, motor vehicles, boats, truck or trailer sales, swimming pools, snowmobiles, motor or mobile homes, farm implements, golf driving range, playground equipment or any other similar businesses or uses.
43. Outdoor Advertising Sign - A sign that calls attention to a business commodity, service, entertainment, or other activity conducted, sold, or offered elsewhere than on the premises upon which the sign is located.
44. Parking Area – An off-street open area, the principle use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees.
45. Planned Unit Development (P.U.D.) – means a development planned and built as a single entity that may contain a mix of housing types and non-residential uses and is based upon an approved site plan that allows flexibility of design, including the preservation of natural features and open space not available under normal zoning district requirements.
46. Principal Building - The structure containing the primary activity or use of the lot or parcel.
47. Principal Use - The primary activity or use of the lot or parcel.
48. Recreational Vehicle – A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.
49. Setback - The distance from a property line of a lot that establishes the minimum distance that a structure must maintain from the property line.
50. Setback Area - The area between the property line and the setback line within which structures may not be located unless specifically provided for in this ordinance.
51. Special land use: A use that would not be appropriate generally or without restriction in that particular zoning district, but which under certain conditions, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.



52. **Special land use Permit:** A permit for a use that would not be appropriate generally or without restriction in that particular zoning district, but which under certain conditions, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.
53. **Storage sheds - storage shed** is a small building that may or may not be built from a prepackaged kit. Storage sheds may not be constructed on a concrete slab. Storage sheds are used for outside storage of yard implements and equipment. A storage shed is 100 square feet or less. There is no building permit required for any shed under 100 square feet.
54. **Story -** That portion of a building included between a surface of any floor and the surface of the floor next above it or of the ceiling above it.
55. **Street -** A public dedicated right-of-way other than an alley, which provides primary access to abutting property and over which the public has easement of vehicular access.
56. **Structure -** Anything constructed, built, or placed using materials or a combination of materials with a fixed location above or on the ground, or attached to something already present.
57. **Variance -** The granting to a petitioner, by the Zoning Board of Appeals, permission to vary from the strict application of this ordinance as provided herein.
58. **Waterfront Lot -** A waterfront lot is any lot or parcel of land on an inland lake or stream. An inland lake or stream is a natural or artificial lake, pond, impoundment, river, stream, creek, or any other water body having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water and has a surface area of 5 acres or more.
59. **Yard -** A space open to the sky and unoccupied or unobstructed except as might be specifically permitted by this ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the nearest point of the principal building or structure. Yards are further defined by the following horizontal distances:
- a. **Yard, Front:** A yard extending the full width of the lot between the front lot line and the nearest line of the principal building.
  - b. **Yard, Rear:** A yard extending across the full width of the lot between the rear lot line and the nearest line of the principal building.
  - c. **Yard, Side:** A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the principal building.
60. **Zoning Compliance Permit:** Any permit issued by the Zoning Administrator indicating compliance with the provisions of this Ordinance.