

## ARTICLE II: DEFINITIONS

### Section 201 Construction of Language

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

1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
2. The particular shall control the general.
3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
5. The word "use" includes the words "structures" and "**buildings**" associated with such use.
6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
7. The word "structure" includes the word "**building**." A "**building**" or "dwelling" includes any part thereof.
8. The words "used" or "**occupied**" include the words "intended," "designed," or "arranged" to be used or **occupied**.
9. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
10. The word "**lot**" includes the words "plot" and "parcel."
11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.

b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. "Either . . . Or" indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.

12. Whenever a reference is made to several sections and the section numbers are connected by the word "to" the reference includes both sections whose numbers are given and all intervening sections.

## Section 202 Definitions

A. For the purpose of this Ordinance words shall have the following meaning:

1. Abutting: Having property or **district** lines in common.
2. Accessory Apartment: A separate private living unit complete with its own bathroom, bedroom, kitchen and living area created by remodeling or adding onto an existing **single-family dwelling**.
3. Accessory Building: A **building** or structure customarily incidental and subordinate to the **principal structure** and located on the same **lot** as the **principal building**.
4. Accessory use: A use customarily incidental and subordinate to the **principal use** of the land or **building** and located on the same **lot** as the **principal use**.
5. Acre: A land area equal to 43,560 square feet.
6. Adult Care Facility: A facility which provides supervision, personal care, meals and protection to less than six adults for a period of four days or less, for compensation. Care may or may not involve any overnight stay, and no medical care services are provided. Respite care is also covered by this definition.
7. Adult Foster Care Family Home: A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided supervision, personal care, and protection for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.
8. Adult Foster Care Small Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

9. Adult Foster Care Large Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
10. Agriculture: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens as a source of income.
11. Alley: A public or legally established thoroughfare, other than a **street**, affording a secondary means of vehicular access to **abutting** property and not intended for general traffic circulation.
12. Alterations: Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a **building**, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed" or "changed."
13. Animal Shelter: A facility licensed under P.A. 287 of 1969 for the care of homeless animals, or animals that are held due to the violation of a municipal ordinance or state law, and/or animals that are surrendered to the animal control shelter.
14. Apartment: A **dwelling unit** within a multiple-family structure or an accessory structure.
15. Asphalt or Concrete Plant: An establishment engaged in the **manufacturing**, mixing, or batching of asphalt, asphaltic cement, cement, or concrete products.
16. Assisted Living Facility: A residence that provides a special combination of housing, personalized support, and health care designed to respond to the individual needs of those who need help with activities of daily living but do not need the skilled medical care provided in a **nursing home**.
17. Attached Wireless Facilities: **Wireless communication facilities** affixed to existing structures, including but not limited to existing **buildings**, towers, water tanks or utility poles.
18. Automobile Wash Facility: A structure **containing** facilities for the washing of vehicles by automatic or self service means.  
Automatic Wash: Any facility, its structures, **accessory uses**, or paved areas used wholly or partly to wash, clean and dry the exterior of automobiles using conveyors to move the vehicle, or

equipment that moves over or around the vehicle, or other automated equipment intended to mechanically wash such vehicles

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Self Service Wash: Any facility, its structures, **accessory uses** or paved areas used wholly or partly to wash, clean and dry the exterior of vehicles using hand-held equipment.

19. Basement: The portion of a **building** which is partly or wholly below **grade** but so located that the vertical distance from average **grade** to the **floor** is greater than the vertical distance from the average **grade** to the ceiling. If the vertical distance from average **grade** to the ceiling is over five feet, such **basement** shall be rated as a first **story**.
20. Bed and Breakfast Establishment: A single-family residence structure that has eight or fewer sleeping rooms which are available for rent to transient tenants. Breakfast shall be served to its guests at no additional cost. Guest accommodations shall be subordinate to the **principal use** of the dwelling as a single-family residence.
21. Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
22. 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** and railroad **right-of-way**, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
23. Bluff: An embankment rising sharply from the ground.
24. Bluff Edge: The upper termination of a **bluff**. When the top edge of the **bluff** is rounded away from the face of the **bluff** as a result of erosional processes related to the presence of the steep **bluff** face, the edge shall be defined as that point nearest the **bluff** beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the **bluff**. In a case where there is a step-like feature at the top of the **bluff** face, the landward edge of the topmost riser shall be taken to be the **bluff edge**. In those cases where irregularities, erosion intrusions, structures or **bluff** stabilizing devices exist on a subject property so that a reliable determination of the **bluff edge** cannot be made by visual or topographic evidence, the **Zoning Administrator** shall determine the location of the **bluff edge** after evaluation of a geologic and soil report.

25. Boat Launch: A facility designed to accommodate the launching of shallow draft watercraft via a ramp extending into a water body. A small courtesy pier for the loading and unloading of passengers, etc. may be located at the ramp.
26. Boatel: A combination of a motel and **marina** that is accessible to boats as well as automobiles and may include boat sales and serving facilities, overnight accommodations for transients, eating and drinking facilities.
27. Boarding House: A facility in which, for compensation, lodging and/or meals are provided to transient tenants for an extended period of time. The operator of the facility lives on the premise and does not provide personal or medical care or supervision for the tenants. This definition does not apply to facilities licensed under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended or Child Care Organizations Act, P.A. 116 of 1973, as amended.
28. Breezeway: A covered structure connecting an **accessory building** with the principal **dwelling unit**. For purposes of determining **yard** and area requirements, such **buildings** shall be considered as one integral unit.
29. Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
30. Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes.)
31. Building Height for Principal Building: The vertical distance measured from the established **grade** of the center of the front of the **building** to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a **building** is located on sloping terrain, the height shall be measured from the average ground level of the **grade** at the **building** wall.
32. Building Height for Accessory Structure: The vertical distance measured from the lowest ground elevation to the highest point of the structure.
33. Building Line: A line formed by the face of the **building** and, for the purposes of this Ordinance, a **building line** is the same as a **front setback** line.
34. Building material sales: An establishment for the retail sale of dimensional lumber and/or materials used in the construction of **buildings** such as plumbing and electrical supplies, windows, doors, **building** hardware, bricks, cement, concrete, etc.

35. Building, Principal: A **building** in which is conducted the main or **principal use** of the **lot** on which said **building** is located.
36. Business: The occupation or means of livelihood that occupies the time, attention, and labor of persons, for the purpose of profit or improvement outside the home.
37. Business Office: A room or group of rooms used for conducting the affairs of a **business**, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.
38. Business Office Building: A **building** used primarily for conducting the affairs of a **business**, profession, service, industry or government, or like activity, and which may include ancillary services exclusively for workers in the **building**, such as a **Restaurant**, coffee shop, newspaper, candy stand, or child care facilities.
39. Business Services: Establishments primarily engaged in rendering services to **business** establishments on a fee or contract basis, such as advertising and mailing; **building** maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply service.
40. Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all **yard** requirements applicable to private garages.
41. Cemetery: A place for the internment of the dead, but not dead animals.
42. Cemetery, Pet: A place designed and used for the internment of dead animals.
43. Child Day Care Facility, Commercial: A day care operation located in a structure whose **principal use** is that of a day care facility which provides daycare services for children, and is not the residence of the operator or any other person. Such facility shall be licensed and regulated under the Child Care Organizations Act, P.A. 116 of 1973, as amended.
44. Child Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under the Child Care Organizations Act, P.A. 116 of 1973, as amended.

45. Child Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for seven to 12 children, and which is licensed or registered under the Child Care Organizations Act, P.A. 116 of 1973, as amended.
46. Church: A **building** whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all **accessory buildings** and uses customarily associated with such primary purpose.
47. Clinic, Medical or Dental: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists or other medical personnel, psychologists, or social workers and where patients are not lodged overnight.
48. Co-Location: The location of two or more wireless communication providers of **Wireless communication facilities** on a common structure, tower, or **building**, to reduce the overall number of structures required to support wireless communication antennas within the City .
49. Co-Location, Feasibility of: That the wireless communication provider or property owner where **co-location** is proposed will accept market rent or other market compensation for **co-location** and the wireless communication provider seeking the facility will pay such rates; the site on which **co-location** is being considered is able to provide structural support; and the **co-location** is considered technically reasonable.
50. Commercial Vehicle: A vehicle licensed as a **commercial vehicle** registered to do **business** in the State of Michigan.
51. Compatible: **Uses** that are able to exist or act together harmoniously, or **uses** that are capable of being used with or are consistent with the intent of a zoning district. The listed conditional uses within a zoning **district** are generally **compatible** with the permitted **uses** of the district.
52. Compatible: The exterior appearance of a structure or building is not at variance with other buildings from an aesthetic and architectural standpoint as to cause:
1. A difference to a degree to cause incongruity.
  2. A depreciation of neighborhood values or adjacent property values.
  3. A nuisance being an unsightly building exterior.
53. Conveyance: An instrument or deed transferring a title or property.

54. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or **building** specifically identified in the affected Zoning **District** under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the City's inhabitants.
55. Condominium: A **building** or group of **buildings** in which **dwelling units, offices, or floor area** are owned individually and the common areas, facilities and in some cases the structures are owned by the owners on a proportional, undivided basis.
56. Condominium Act: Public Act 59 of 1978, as amended.
57. Condominium Subdivision Plan: The site, survey and utility plans; **floor** plans and section, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The **condominium subdivision plan** shall show the size, location, area, boundaries' acreage and volume for each **condominium unit** composed of enclosed air space. A number shall be assigned to each **condominium unit**. The **condominium subdivision plan** shall include the nature, location, and approximate size of the common space elements.
58. Condominium Unit: That portion of the **condominium** project designed and intended for separate ownership and use, as described in the **master deed**.
59. Consolidating Master Deed: The final amended **master deed** for a **contractible site condominium**, and **Expandable site condominium** project for a **site condominium** project containing convertible land or convertible space, which final amended **master deed** fully describes the **condominium** project as completed.
60. Contiguous Property: Any portion of an individual's **lot** or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public **right-of-way** or easement running through them. Property which is joined at a common point is not considered **contiguous property**.
61. Contractible Site Condominium: A **site condominium** project from which any portion of the submitted land or **building** may be withdrawn pursuant to express provisions in the **site condominium** documents and in accordance with this Ordinance and the **Condominium Act**.

62. Contractor Yard: An area intended for the temporary or long-term storage of materials and equipment used for construction, road building, and forestry operations.
63. Convenience Mart: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for both off-site or on-site consumption with limited indoor/outdoor seating, along with the retail sale of fuels and other operating commodities for motor vehicles.
64. Convenience Store: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site or on-site consumption with limited indoor seating.
65. Conversion Site Condominium: A **site condominium** project containing **site condominium units** some or all of which were **occupied** before the establishment of the **site condominium** project.
66. Convertible Area: A unit or portion of the common elements of the **site condominium** project referred to in the **site condominium** documents within which additional **site condominium units** or general or limited common elements may be created pursuant to express provisions in the **site condominium** documents and in accordance with this Ordinance and the **Condominium Act**.
67. District: A portion of the incorporated area of the City within which certain regulations and requirements of various combinations thereof apply uniformly under the provisions of this ordinance.
68. Drainfield: That part of the **on-site sewage disposal system** that distributes the overflow of effluent from a **septic tank** or other sewage treatment facility in an arrangement of absorption trenches, dry wells, or seepage beds below the ground surface, so as to allow the effluent to be absorbed by the surrounding soil.
69. Drive-Through/ Drive-In Use: A **use**, either as primary or accessory to a **business**, with driveways and approaches so developed and designed so as to serve its patrons while in the motor vehicle, or permit patron self-service from the exterior of the place of **business**.
70. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

71. Dwelling, Single-Family: A **dwelling unit** designed exclusively for and **occupied** exclusively by one family.
72. Dwelling, Two-Family: A **building** containing two single-family **dwelling units** totally separated from each.
73. Dwelling, Multiple-Family: A **building** containing three or more single-family **dwelling units**, totally separated from each, including units that are located one over the other.
74. Dwelling, Upper Floor, Commercial: A **dwelling unit** located on the upper **floors** of a commercial establishment with an outside entrance allowing the occupants to come and go without entering the commercial establishment. There may be more than one **dwelling unit** associated with a single commercial establishment.
75. Engine Sales and Service: The sale and repair via inspection, diagnoses and repair on small engines, which includes automobile, and specialized equipment such as mowers, edgers, pumps, compressors, sprayers, snow blowers, generators, and other similar equipment.
76. Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, **building, excavation, fill, drainage, installation of utilities and the like.**
77. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including **office buildings, electrical substations, wind turbines, receiving or transmission towers, or structures which are enclosures or shelters for service equipment or maintenance depots.**
78. Excavation: Any breaking of ground, except common household gardening, general farming, and ground care.
79. Expandable Site Condominium: A **site condominium** project to which additional land may be added pursuant to express provision in the **site condominium** documents and in accordance with this Ordinance and the **Condominium Act.**

80. Family: An individual or two or more persons related by blood, marriage, or adoption, or parents along with their direct lineal descendants and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, bathroom and housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate **Family** for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 396 of 1976, as amended.
81. Fence, Artificial: An artificially constructed barrier of wood, metal, stone, or any manufactured materials **erected** for the separation of **yard** areas.
82. Fence, Natural: A closely planted barrier of evergreen or deciduous shrubs for the separation of **yard** areas or properties. A shrub is a self-supporting, deciduous or evergreen plant, normally branched near the base and less than 15 feet in height.
83. Fence, Obscuring: A structure of definite height and location to serve as an obscuring **screen** in carrying out the requirements of this Ordinance.
84. Fence, Protective Measures: A fence **erected** for the express purpose of the protection of the enclosed area and the property therein.
85. Fence, Screening: A structure of definite height and location, maintained to prevent passage of light and to **screen** and separate a use from adjacent property. Unless otherwise regulated in the ordinance or as required by the **Zoning Board of Appeals** or the Planning Commission in carrying out the spirit and intent of this ordinance, a **screening fence** shall be an obscuring fence or wall not less than six feet in height.
86. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance
87. Financial Institution: A nonresidential structure in which money is kept for savings or commercial purposes or is invested, or supplied for loans or exchanged. Such **business** establishment can be a bank, credit union or other establishment pertaining to the management of money.
88. Fishery: A fishing establishment where fresh fish are received via a docking facility and processed, displayed and/or packaged for distribution and sale.
89. Floor: The level base of a room, hollow structure or enclosed area capable of supporting individuals or other materials, including **basements**.

90. Floor Area: The sum of all horizontal areas of the several **floors** of a **building** or **buildings**, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), **basements**, and **breezeways** shall not be considered as a part of the gross **floor area** unless used for commercial purposes, such as **nursery** beds or sales of outdoor equipment.
91. Floor Area Ratio: An intensity measured as a ratio, derived by dividing the gross **floor area** of a **building(s)** by the **lot area**.
92. Funeral Home: A **building** used for the preparation of the deceased for burial and for display of the deceased and rituals connected before burial or cremation.
93. Garage Apartment: The upper portion of a residential garage that is used as single-family dwelling and may be rented on a year round basis.
94. Garage, Residential: An **accessory building** designed or used solely for the noncommercial storage of motor vehicles, boats, and similar items.
95. Garage Sale: The sale of used household items, clothing, crafts and assorted secondhand objects held at a residence. The sale may take place in residential garage, **yard**, or residence. Also, known as: rummage sale, estate sale, **yard** sale, etc.
96. Gasoline Service Station: A structure used for the retail sale or supply of fuels, natural gas, lubricants, air, water and other operating commodities for motor vehicles and other internal combustion operated machines, and including the customary space and facilities for the installation of such commodities on or in such vehicles and machines and including space for temporary storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
97. Grade: The average level of the finished surface levels of the ground adjacent to all exterior walls of a **building** or support structure more than five feet from a right-of-way. For a **building** closer than five feet to a right-of-way the **grade** is the curb elevation at the center of the **building** or support structure. If there is no curb, the City engineer shall establish the **grade**.
98. Grandfathered Use: A land use activity or **building** which lawfully existed prior to the adoption of this Ordinance. (See also “Nonconforming Structure” and “Nonconforming Use”)

99. Gravel Pit: An open land area where sand, gravel and rock fragment are mined, excavated and processed for sale or off-tract use. An area may be maintained for the on-site storage of materials to be processed or that have been processed.
100. Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring **screen** or **buffer** strip in carrying out the requirements of this Ordinance.
101. Greenhouse: A **building** whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.
102. Guest House: An accessory structure on the same **lot** as a single-family dwelling used to house occasional visitors or guests of the occupants of the single-family dwelling.
103. Heavy Equipment Sales and Service: The inspection, diagnoses, and repair of engines and specialized equipment such as trucks, earth movers, snow plows, and other similar equipment.
104. Home for the Aged: A supervised personal care facility licensed under P.A. 368 of 1976, other than a hotel, adult foster care facility, **hospital**, **nursing home** or county medical care facility, that provides room, board, and supervised personal care to unrelated non-transient individuals 60 years of age or older.
105. Hillside: Any portion of a **lot**, parcel, or tract of land that has an average **slope**, as measured over any 100 foot length of its natural terrain, 15% or greater.
106. Home Occupation: A use or occupation conducted within the main residential dwelling or an accessory structure which is clearly incidental and secondary to residential occupancy.
107. Hospice Residence: A facility licensed under P.A. 368 of 1976 which provides 24-hour hospice care to two or more patients at a single location.
108. Hospital: A facility licensed under P.A. 368 of 1976 offering, inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic or rehabilitation condition requiring the daily direction or supervision of a physician.
109. Hostel: An establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a non-profit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended.

110. Inland Buffer Zone: The area established by Public Law 89-668.
111. Kenel: A commercial establishment in which dogs or other domesticated animals, other than horses, are housed, groomed, bred, boarded, trained, and sold, all for a fee or compensation. This specifically excludes animals kept and raised for a person's personal enjoyment or hobby or recreational purposes, but not for compensation, and **animal shelters**.
112. Laundromat: An establishment providing washing, drying, and/or dry-cleaning machines on the premise for rental use to the general public. **Laundromats** may incorporate dry-cleaning equipment.
113. Loading Space: An off-street space on the same **lot** with a **building**, or group of **buildings**, for temporary parking of a **commercial vehicle** while loading and unloading merchandise or materials.
114. Lot: A parcel of land **occupied** or to be **occupied** by a main structure or group of main structures and accessory structures, together with such **yards, open spaces, lot width** and **lot areas** as are required by this Ordinance, either shown on a plat or record or else considered as a unit of property and described by metes and bounds. For purposes of this ordinance "**site condominium**" shall mean the same as "**lot**."
115. Lot Area: The area of land within the boundary of a **lot** which is bounded by any **front lot lines**, the right-of-way line of the highway on which it fronts, and the **side lot lines** intersecting the **front lot line** at its ends extended to the rear property (**lot**) lines, excluding any part within the **ordinary high water mark**.
116. Lot, Corner: A **lot** where the interior of two adjacent sides at the interior angle of two adjacent sides at the intersection of two **streets** is less than 135 degrees. The front shall be deemed to be the shortest of the sides fronting on the **streets**. All **corner lots** shall be designated at time of subdivision or submission of a **building permit** or **zoning compliance permit** as fronting on a single **street**. All **yard** and building requirements shall be based upon that designation.
117. Lot Coverage: The part of the **lot occupied** by **buildings**, including **accessory buildings**.
118. Lot, Depth of: The average distance five evenly separated lines drawn from the **front lot line** to the rear line. Two of these five lines shall be the **side lot lines**.
119. Lot, Double Frontage: Any **interior lot** having frontages on two more or less parallel **streets** as distinguished from a **corner lot**. In the case of a row of

**double frontage lots**, all sides of said **lots** adjacent to **streets** shall be considered frontage, and front **yards** shall be provided as required.

120. Lot, Interior: Any **lot** other than a **corner lot**.

121. Lot Lines: The lines bounding a **lot** as defined herein:

(1) Front Lot Line: The line separating the **lot** from the right-of-way. In the case of a **through lot** the lines separating the **lot** from each right-of-way. In the case of a **corner lot**, one such front line may be designated as a **side lot line**. In the case of a **lot** bordering on a lake or river, the **ordinary high water mark** shall be used as the **front lot line**.

(2) Rear Lot Line: A **lot** line which is opposite the **front lot line**. In the case of a **corner lot**, the **rear lot line** shall be opposite either **front lot line**, but there shall only be one rear line. In the case of a **lot** pointed at the rear, the rear line shall be an imaginary line parallel to the front line, not less than 10 feet long, lying farthest from the front line and wholly within the **lot**.

(3) Side Lot Line: Any **lot** line not a **front lot line** or **rear lot line**. A **side lot line** separating a **lot** from another **lot** or **lots** is an interior **side lot line**.

122. Lot of Record: A **lot** on a map or a deed recorded with the County Register of Deeds prior to the effective date of this Ordinance, and which actually exists as shown or described.

123. Lot, Through: A **double frontage lot**, not a **corner lot**, having a **street** for both front and **rear lot lines**.

124. Lot, Width: The required horizontal distance between the **side lot lines** measured at the two points where the required **front setback** line intersects the **side lot line**.

125. Manufactured Home: A structure transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when **erected** on site, is 320 square feet or more and which is built on a permanent chassis and designed to be used as a **dwelling unit** with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure than meets all the requirements of this paragraph except size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of HUD and complies with the standards established by HUD. A mobile home is

considered to be a **manufactured home**. A **manufactured home** does not include a **recreational vehicle**.

126. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of components parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.
127. Manufacturing, Light: Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Motors used in **light manufacturing** operations shall not be in excess of ten horsepower. **Light manufacturing** operations shall be located within the **principal building**. Noise emanating from a **light manufacturing building** will be less than 90 decibels.
128. Marina: A facility for the sales, storing, servicing, fueling, berthing and securing of boats that may include eating and sleeping **dwelling units** for the owner and/or its employees.
129. Master Deed: The **condominium** document recording the **site condominium** project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved **site condominium** plan for the project.
130. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semiprecious stones, and uranium.
131. Mini Storage Facility: A structure or group of structures containing separate individual and private storage spaces for the storage of residential goods, **recreational vehicles** and related equipment on individual leases for varying periods of time.
132. Mobile Home/ Manufactured Home Park: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any **building**, structure, enclosure, **street**, equipment, or facility used or intended for use incident to the occupancy of a mobile home.
133. Mobile Home Site Condominium Project: A **site condominium** project in which mobile homes are intended to be located upon separate sites as **condominium units**.

134. Modular Housing Unit: A **dwelling unit** constructed solely within a factory, as a single unit, or in various sized modulars or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a **single-family dwelling unit**, and meeting all codes and regulations applicable to conventional single-family home construction.
135. Motel/Hotel: A facility offering transient accommodations to the general public, generally for one week or less, and providing additional accessory services, such as **restaurants**, meeting rooms, exercise, entertainment, and recreational facilities, but does not include **hospitals, nursing homes, adult foster care facility, hospice, assisted living facility or home for the aged, hostels, boatels, lodges or resorts**.
136. Nonconforming Building (Nonconforming Structure): A **building** or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or **yards** for the zoning **district** in which it is located.
137. Nonconforming Lot: A **lot**, the size, width or other characteristic of which fails to meet the requirements of the zoning **district** in which it is located and which was conforming (“of record”) prior to enactment of any previous City of Munising Zoning Ordinance.
138. Nonconforming Use: A use of a **building** or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning **district** in which it is situated.
139. Nuisance: An unreasonable interference with the enjoyment and use of property.
140. Nursery: Land or **greenhouses** used to raise flowers, shrubs, and plants for sale.
141. Nursing Home: A nursing care facility licensed under P.A. 386 of 1976 that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering from or recovering from illness, injury, or infirmity. A **nursing home** does not include a **hospital** or **hospice residence**.
142. Occupied: Includes the meaning of intended, designed or arranged for occupancy.

143. Office: The place in which a professional person conducts his/her **business**; a place in which consulting, record keeping, clerical work or other similar services are performed.
144. Office Building: Refer to Business office building.
145. 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 automobiles.
146. On-Site Sewage Disposal System: The sanitary sewage treatment and/or disposal device installed to service an individual home, **business**, or industrial establishment in areas not served by municipal sanitary sewers.
147. Open Space: The portion of the site not covered by structures, driveways, and parking areas.
148. Open Space Ratio: The ratio between **open space** on the **lot**, whether required or not, and the total **lot area**.
149. Open Space, Required: The **yard** space of a **lot** which is established by and between the **street**, or the **lot lines** and required **setback** line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
150. Ordinary High Water Mark: The line between upland and bottomland 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 markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. The **ordinary high water mark** for Lake Superior is 601.5 feet above sea level, International Great Lakes Datum 1955, per P.A. 451 of 1994.
151. Outdoor Livability Space: Any area of a site which is not covered by a structure, is not included in required parking area, and is available for use by residents and visitors.
152. Paper Mill: A **manufacturing** facility which processes pulp or waste/recycled fiber into paper products for sale to consumers or other for further conversion by its customers.
153. Parking Lot: A use containing one or more **parking spaces** located at or above or below **grade** accessible for the storage or parking of permitted vehicles with well-defined entrances and exists and lanes for unencumbered access to individual **parking spaces**.

154. Parking Space: An area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access and shall be fully accessible for the storage or parking of motor vehicles.
155. Pet: An animal kept for amusement or companionship.
156. Pet store: Any outlet where the following animals are sold or offered for sale, at retail for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchilla, domestic ferrets, birds, fish and cold-blooded species. Incidental to the sale of pets is the display and sale of food, cages, aquariums, and other paraphernalia associated with the keeping of pets.
157. Petroleum/Propane Storage: Facilities for the distribution and sale of petroleum-based substances and liquid propane gas.
158. Personal Services: A type of **business** providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.
159. Planned Unit Development (PUD): An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and/or one or more public, quasi-public, commercial, or industrial areas.
160. Planning Commission: The Planning Commission of the City of Munising.
161. Principal Structure: The main structure or **building** to which the premises are devoted.
162. Principal Use: The main or predominant use to which the premises are devoted.
163. Private Club: A **building** and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members and meet certain prescribed qualifications for membership, but not a **church**.
164. Public Building: Any **building**, structure, facility or complex used by the general public or providing public services, whether constructed by a state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to; assembly **buildings**, such as auditoriums or libraries, city, village or township halls; community centers, senior citizen centers or fire halls.

165. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including, radio, telephone, telegraph, television, cable, satellite, or fiber optics).
166. Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.
167. Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.
168. Recreational Structure: A **single-family dwelling unit** that is rented on a daily, weekly or monthly basis by transient guests for a fee. The structure is not the permanent place of domicile of the owner.
169. Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
170. Recreational Vehicle Park: Any **lot** or parcel of land upon which two or more **recreational vehicle** sites are located, established, or maintained for occupancy by **recreational vehicles** of the general public as temporary living quarters for recreation or vacation purposes.
171. Recycling Center: A facility in which used material, such as paper, glass, plastic or motor oil, is separated and processed prior to shipment to other locations for processing or **manufacturing** into new products. A **recycling center** is distinct from a junkyard or **salvage yard**.
172. Recycling Drop-Off Center: A collection point containing containers for the collection and temporary storage of recyclable materials, typically an **accessory use**. Materials collected are transported from the drop-off site to another location for processing.
173. Rental House: A dwelling with kitchen facilities, located on the same **lot** of a principal single-family dwelling, that is rented as a principal residence.
174. Resort: A facility for transient guests where there are a number of recreational features or activities, including, but not limited, to such facilities as

swimming pools, tennis courts, golf course, **restaurant**, camping, **motel/hotel** accommodations, skiing, trails, horseback riding, boating or other similar recreational activities.

175.            Resource Professional: A person or agency having expertise in soil, forestry, or wildlife habitat and qualified to provide recommendations on plant materials suitable for use as a **greenbelt**.
176.            Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises, whether or not entertainment is offered, and includes establishments commonly known as grills, cafes, or any fast food establishments permitting consumption on the premises.
177.            Retail Store and Shop: An establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods. This shall not include vehicle, heavy equipment sales, **recreational vehicles**, watercraft or establishments where there is the permanent exterior display of merchandise.
178.            Right-of-Way: A **street, alley**, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The **right-of-way** is delineated by legally established lines or boundaries.
179.            Salvage Yard: An area where waste, used, or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to scrap iron and other materials, paper, rags, rubber tires, and bottles. A “**salvage yard**” includes junk yards and similar facilities including automobile wrecking yards and any open area of more than 200 square feet for storage, keeping or abandonment of junk.
180.            Sawmill: The machinery and appurtenant structures used for the manufacture of wood products, not limited to, but including, circular or band saws, planers, debarkers, chippers, and kilns.
181.            School, Public or Private: An institution which offers regular instruction at the preschool, primary, or secondary level or serves disabled students. This definition does not include day care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.
182.            School, Technical, Trade, Vocational or Business: An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects, or a facility offering instruction at any level in martial arts, arts, drama, dance, speech, music, or similar personal skills. This

definition does not apply to instruction in craft or fine arts in a single-family residence, which is a permitted use.

183.           Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A **screen** may also be non-structured, consisting of shrubs or other living vegetation.
184.           Septic Tank: A watertight covered receptacle designed and constructed to receive the discharge of sewage, separate solids from the liquid, digest organic matter and store digested solids through a period of detention, and allow the clarified liquids to discharge for final disposal.
185.           Setback: The minimum unoccupied distance between the front, side and **rear lot line** and the principal and **accessory buildings**, as required.
186.           Setback, Front: The minimum unoccupied distance, extending the full **lot width**, between any **building** or structure and the **front lot line**. The **front setback** is measured from the edge of the road right of way or in the case of a **lot** along a river or lake from the **ordinary high water mark**.
187.           Setback, Rear: The minimum required unoccupied distance, extending the full **lot width**, between the principal and **accessory buildings** and the **lot line** opposite the **front lot line**.
188.           Service Entrance: An entrance to a commercial establishment whose design and use is to accommodate the delivery and shipment of supplies. A service door is not intended to serve as a customer entrance.
189.           Shoreline: That area of the shorelands where land and water meet.
190.           Shopping Center: More than one commercial establishment planned, constructed and managed as a total entity, with customer and employee parking provided on site, provision for goods and delivery separated from customer access. **Buildings** constructed on outlots shall not be considered part of the **shopping center** unless access and parking easements are provided.
191.           Site Condominium: Equivalent to the term “subdivision” as used in this Ordinance.
192.           Site Condominium Unit: For the purpose of this Ordinance, means the same as “**lot**.”
193.           Slope: A percentage figure, which is a measurement of the change in elevation divided by distance. For example, if a **lot** has a 15-foot change in elevation over a 100-foot distance, the **slope** would be 15 percent (15/100).

194.                Site Plan: A plan 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.
195.                Stable, Riding or Boarding: A facility where horses are kept for hire, sale or boarding.
196.                Story: That part of a **building** included between the surface of one **floor** and the surface of the next **floor**, or if there is no **floor** above, then the ceiling next above.
197.                Street: A public dedicated **right-of-way** which affords traffic circulation and principal means of access to **abutting** property.
198.                Street, Local: Any **street** designated as a pursuant to Public Act 51 of 1951, as amended.
199.                Street, Major: Any **street** designated as a major street pursuant to Public Act 51 of 1951, as amended.
200.                Structure: Any constructed, **erected**, or placed material or combination of materials in or upon the ground, including, but not limited to, **buildings**, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, **parking lots**, utility poles and fences. **Building** areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.
201.                Subdivision: The partitioning or dividing of a parcel or tract of land by the property owner for the purpose of sale, lease or **building** development.
202.                Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use.
203.                Temporary Building: A structure or use permitted to exist during a period of construction of the main **building**, a structure specifically for special events or structure which normally, and by its nature, is only designed for a short period of time.
204.                Temporary Sales Stand: A structure or a parked vehicle which is used seasonally for display and sale of items such as agricultural produce and farm products, flowers, Christmas trees and wreaths and grave blankets, and prepared food and beverage items.

205. Tent: A structure whose walls and roof are entirely or primarily made of fabric.
206. Theater: A **building** or structure which contains an assembly hall for the performing arts (dramatic dance, musical or other live performances) and/or for the showing of motion pictures.
207. Timeshare Dwelling: A residential **dwelling unit** in which the owner has an undivided interest for a fixed or variable time period.
208. Tourist Attraction: Any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including, but not limited to, animal farms, amusement parks, replicas of real or fictional places, things or people, trams, and natural geological formations. **Accessory uses** at a **tourist attraction** may include a gift shop and food concession.
209. Tourist Cabins: An establishment that has separate, individual **dwelling units** with at least one room that has complete bathroom facilities and may or may not have kitchen facilities that are rented on a temporary basis by the day, week or month.
210. Townhouse: A residential structure consisting of no more than four **single-family** attached **dwelling units**, each individually owned, non communicating and separated by one or more vertical common fire resistant walls; each unit shall have separate front and rear entrance with separate sewer, water and other utilities.
211. Tractor and Trucking Facility: An establishment for the transshipment of cargo and where **commercial vehicles** such as semi-trailers and tractors are stored when not in use and may include administrative **offices**, repair facilities fueling facilities and dispatch operations.
212. Usable Floor Area: The ground and non ground **floor area** used for, or intended 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, or for utilities, shall be excluded from this computation of "**usable floor area**." For the purposes of computing parking, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary **parking spaces**.
213. Use: The purpose for which the land or a **building** is designed, arranged, or intended to be used, or for which land or a **building** is or may be **occupied**.

214. Use, Accessory: Any **use** subordinate to the main **use** of a **lot** and used for purposes clearly incidental to those of the main **use**.
215. Variance: A modification of the literal provisions of the zoning ordinance granted by the **Zoning Board of Appeals** when in its judgment the strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the **variance** is granted. The crucial points of a **variance** are undue hardship and unique circumstances.
216. Vehicle: A self-propelled device used for transporting people and/or goods.
217. Vehicle Repair Facility: A premise where one or more of the following services are provided for compensation: general repairs, engine rebuilding, mechanical work, rebuilding or reconditioning of motor **vehicles**; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
218. Vehicle Sales: An area of land, a **building** or structure used for the display of **vehicles** and/or watercraft for sale.
219. Veterinary Clinic: A facility providing diagnosis, treatment, surgery and similar veterinary care for domestic animals with overnight boarding incidental to treatment.
220. Wholesale Storage Facility: An establishment used for the storage of goods and materials prior to final distribution to retail establishments.
221. Wind Turbine: Any of the various machines used to produce electricity by converting the kinetic energy of wind to rotational, mechanical, and electrical energy. **Wind turbines** consist of the turbine apparatus (motor, nacelle, tower) and any other **buildings**, support structures, or other related improvements necessary for the generation of electrical power.
222. Wireless Communication Facilities: 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 and television broadcasting or relay towers, wireless communication facility, wireless or cellular telephone communication receivers and transmitters, telephone devices, and exchanges, microwave relay facilities and towers, telephone transmission equipment **buildings** and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt city regulatory authority.

223. Wireless Communication Support Structure: **Structure erected** or modified to support wireless communication antennas. Support **structures** within this definition include, but shall not be limited to monopole, lattice towers, light poles, wood poles, and guyed towers or other **structures** which appear to be something other than a mere support **structure**.
224. Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.
225. Yard: An **open space** that lies between the **principal building** and **buildings** and the nearest **lot** line. The minimum required **yard** as set forth in this Ordinance is unoccupied and unobstructed from the ground upward, except as may be specifically provided in the zoning ordinance.
- a. Yard, Front: An **open space** extending the full width of the **lot** and lying between the front line of the **lot** and the nearest line of any **building** or **structure**. In the case of a **corner lot**, the front shall be the shortest of the two sides fronting on the **streets**.
- b. Yard, Rear: An **open space** extending the full width of the **lot** and lying between the rear line of the **lot** and the nearest line of any **building** or **structure**. In the case of a **corner lot** there shall only be one **rear yard**.
- c. Yard, Side: An **open space** between the side line of the **lot** and the nearest line of any **building** or **structure** and extending from the **front yard** to the **rear yard**.
- d. Transitional: A required **yard** located on sites **abutting** zoning **district** boundaries for the purpose of creating a **buffer** zone to reduce conflict between incompatible **districts** and **uses**.
223. Zoning Administrator: The City's authorized representative charged with the responsibility of administering this Ordinance.
224. Zoning Board of Appeals: The **Zoning Board of Appeals** of the City of Munising.
225. Zoning Compliance Permit: A certificate issued by the **Zoning Administrator** as a condition precedent to the commencement of a **use**, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a **structure** or **building**, that acknowledges that such **use**, **structure**, or **building** complies with the provisions of this Ordinance or authorized **variance**.

