

ARTICLE 2
DEFINITIONS

For the purposes of this ordinance, the terms below are defined as follows:

2.01 ACCESSORY USE OR STRUCTURE

A use, building, or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use, building, or structure. Freestanding satellite dishes and antennas, solar panels, and wind generators shall be considered accessory structures.

2.02 ADULT DAY-CARE CENTER

A facility, other than a private residence, in which 1 or more adults who are aged, mentally ill, developmentally disabled, or physically handicapped are received for care and supervision for periods of less than 24 hours a day. The physical facility and operation of the center shall comply with all applicable federal, state, and local laws or regulations. An adult day-care center does not include any establishment commonly described as an alcohol or a substance abuse rehabilitation center or a facility for persons released from or assigned to adult correctional institutions.

2.03 ADULT DAY-CARE HOME

A private home (that is the bona fide permanent residence of the operator of the adult day-care home) in which from 1 to 6 adults who are aged, mentally ill, developmentally disabled, or physically handicapped are received for care and supervision for periods of less than 24 hours a day. The physical facility and operation of the home shall comply with all applicable federal, state, and local laws or regulations. An adult day-care home does not include any establishment commonly described as an alcohol or a substance abuse rehabilitation center or a facility for persons released from or assigned to adult correctional institutions.

2.04 ADULT ENTERTAINMENT BUSINESSES

A. Any Business Establishment:

1. That is used for presenting material distinguished or characterized by an emphasis on depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities", as defined by this section, for observation by patrons therein.

2. That has a substantial or significant portion of its stock in trade, books, magazines, and other periodicals that are distinguished or characterized by an emphasis on depicting, describing, or relating to “specified anatomical areas” or “specified sexual activities”, as defined by this section, or that has a segment or section devoted to the sale or display of such material.
 3. That is used as a place that offers, as an activity, the providing of models to display “specified anatomical areas”, as defined by this section, for artists and photographers for a fee or charge.
 4. That includes a café, restaurant, or bar where patrons are entertained by erotic dancers, strippers, male or female impersonators, or similar entertainers.
- B. For purposes of this section, “specified anatomical areas” and “specified sexual activities” are defined as follows:
1. Specified Anatomical Areas: Less than completely covered human genitals: pubic regions, buttocks; female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 2. Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, of sodomy; and the fondling or other erotic touching of human genitals, public regions, buttocks, or female breasts.

2.05

ALTERATIONS, STRUCTURAL

Any change in a supporting member of a building or structure, such as a bearing wall, column, beam, or girder; any substantial change in the roof; or any addition to or diminution of a structure or building.

2.06

BASEMENT

A portion of a building or a portion of a room located wholly or partially below grade but not including any part thereof not so located. The term “basement” shall not include an earth-bermed or earth-sheltered home.

2.07 BED AND BREAKFAST

A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit in which transient guests are provided a sleeping room and board in return for payment. A bed and breakfast operation shall meet all of the requirements in Article 19.

2.08 BOARDING ROOMS

A use that is subordinate to the principal use of a dwelling as a single-family dwelling unit in which persons reside for more than 7 days at a time on a non-transient basis in return for payment.

2.09 BUILDING

Anything that is constructed or erected having a roof supported by columns, walls, or other supports that is used for the purpose of housing or storing persons, animals, or personal property or for carrying on business activities or other similar uses.

2.10 BUILDING HEIGHT

A vertical distance measured from the established grade to the highest point of the roof surface of flat roofs; to the deck of mansard roofs; and to the mean height level between eaves and ridge of fable, hip, and gambrel roofs. 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 facing the front yard.

2.11 BUILDING SETBACK

A horizontal measurement from the road right-of-way line to the nearest point of the foundation of the building or structure. Steps and unenclosed porches may be located within the building setback. Fully enclosed porches are considered as part of the building or structure and may not be located within the building setback.

2.12 CHILD-CARE CENTER

A facility, other than a private residence, receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day for not less than 2 consecutive weeks (regardless of the number of hours or care per day) and where the parents and guardians are not immediately available to the children, including facilities described as day-care centers, day nurseries, nursery schools, parent cooperative preschools, play groups,

and drop-in centers (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 or the Public Acts of 1973, as amended).

2.13 COMMERCIAL RECREATION

Commercial establishments related to recreational activities, such as but not limited to billiard or pool halls, indoor theaters, bowling alleys, miniature golf courses, driving ranges, skating rinks, and video arcades.

2.14 DWELLING

Any building or portion thereof that is occupied, in whole or in part, as a home, residence, or sleeping place, either permanently or temporarily, by one or more families but not including motels, hotels, tourist rooms, or cabins.

- A. **Dwelling, Single-Family:** A building designed and used for occupancy by one family only.
- B. **Dwelling, Two-Family:** A building designed and used for occupancy by two families living independent of each other.
- C. **Dwelling, Multi-family:** A building designed and used for occupancy by three or more families, living independent of each other.

2.15 DWELLING UNIT

A building or portion thereof designed for use of occupancy by one family for living and sleeping purposes with housekeeping facilities.

2.16 FAMILY

One or more persons living together as a single, nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption, or other domestic bond. This definition does not include any society, association, organization, or any other group whose domestic relationship is of a transitional or seasonal nature for an anticipated limited duration.

2.17 FAMILY DAY-CARE HOME

A private home (that is the bona fide permanent residence of the operator of the family day-care home) in which from 1 to 6 minor children are

received for care and supervision for periods of less than 24 hours a day for more than 4 weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, as amended).

2.18 GROUP DAY-CARE HOME

A private home (that is the bona fide permanent residence of the operator of the group day-care home) in which from more than 6 but not more than 12 minor children are received for care and supervision for periods of less than 24 hours a day for more than 4 weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 of the Public Acts of 1973, as amended).

2.19 HOME OCCUPATION

An income-generating activity traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place that conforms to the provisions applicable to home occupations in Article 17.

2.20 LOT

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures or utilized for a principal use and accessory uses, together with such open spaces as are required by this ordinance. Lot area shall not include any part of a public right-of-way. (In the case of a site condominium subdivision, a site condominium building site shall be considered to be the equivalent of a "lot" for purposes of determining compliance with the applicable requirements of the zoning ordinance and with other applicable laws, ordinances, or regulations).

For the purpose of this ordinance, "lots" with the following characteristics will be referred to as follows:

- A. **Corner Lot:** A lot that has a least two contiguous sides abutting upon two intersecting streets for their full length.
- B. **Interior Lot:** A lot other than a corner lot.

- C. **Through Lot**: An interior lot having frontage on two streets that do not intersect at a point contiguous to such lot.

2.21

LOT LINE

The line that defines the boundaries of a lot or parcel of land.

- A. **Front Lot Line**: In the case of an interior lot, the line that separates the front yard from the street right-of-way line. In the case of a through lot, the lines separating the lot from each road right-of-way. In the case of a corner lot, the line separating the lot from the right-of-way on that side of the lot that has the narrowest street frontage.
- B. **Rear Lot Line**: Lot line that is opposite the front line. In the case of a through lot, there shall be no rear lot line. In the case of a lot with side lot lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 20 feet long, lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line**: Any lot line other than the front lot line or rear lot line.

2.22

MOBILE HOME

A structure, transportable in one or more sections, that is built on a chassis and is designed to be used as a dwelling, with or without permanent foundation then connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems in the structure. "Mobile Home" does not include a recreational vehicle.

2.23

MOBILE HOME PARK

A parcel or tract of land upon which three or more mobile homes are located on a continuous, non-recreational basis that 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 for the occupancy of a mobile home.

2.24

MOTEL

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units that may or may not be independently accessible from the outside, with garage or parking

space located on the lot, and designed for or occupied by automobile travelers. The terms shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

2.25 OUTDOOR SALES

Retail businesses whose principal activity is the sale or rental of merchandise in an outdoor setting, such as but not limited to farm implements, plants and trees, mobile homes, building supplies, and vehicles.

2.26 PRINCIPAL OR MAIN USE

The primary or predominant use of a lot.

2.27 PUBLIC OR INSTITUTIONAL USES

Churches; accredited public, parochial, or private schools; trade schools or colleges; hospitals and nursing homes; parks and nonprofit recreational uses; libraries; government-owned facilities; cemeteries; and fire stations or similar uses providing service necessary to the community.

2.28 SALVAGE YARDS

Where junk, waste, or discarded or salvaged materials, including wrecked vehicles, used building materials, structural materials, and equipment and other manufactured goods that are worn, deteriorated, or obsolete are bought, sold, exchanged, stored, baled, packed, disassembled, or handled.

2.29 SECOND FLOOR APARTMENT

A dwelling located on the second floor of an existing building designed or used as a commercial business establishment.

2.30 SITE CONDOMINIUM SUBDIVISION

A plan or project consisting of two or more site condominium units established in compliance with the Condominium Act, Public Act No 59 of the Public Acts of Michigan of 1978, as amended. As used in reference to a "site condominium subdivision" in this ordinance, the terms below are defined as follows:

- A. **Site Condominium Unit:** A condominium unit established in compliance with the Condominium Act that consists of an area of

vacant land and a volume of vacant air space, designed and intended for separate ownership and use, as described in the site condominium subdivision master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

- B. **Building Envelope:** The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the site condominium subdivision master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
- C. **Building Site:** Either the area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope, or the area within the condominium unit (as described in above) plus any contiguous and appurtenant limited common element.
- D. **Limited Common Element:** An area that is appurtenant to a site condominium unit and that is reserved in the master deed for the site condominium subdivision for the exclusive use of the owner of the site condominium unit.

2.31

STATE-LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS)

A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to the Adult Foster Care Facility Licensing Act (Act No 218 of the Public Acts of 1979, as amended), or the Child Care Organizations Act (Act No 116 of the Public Acts of 1973, as amended) that provides resident services for 6 or fewer persons under 24-hour supervision or care for persons in need of that supervision or care. A “state-licensed residential facility”, as defined by this section, shall not include adult foster-care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

2.32

STATE-LICENSED RESIDENTIAL FACILITY (MORE THAN 6 PERSONS)

An adult foster-care facility that is licensed by the State of Michigan pursuant to the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of 1979, as amended), or a child-care facility that is licensed by the State of Michigan pursuant to the Child Care

Organizations Act (Act No. 116 of the Public Acts of 1973, as amended) that provides resident services for more than 6 persons under 24-hour supervision or care for persons in need of that supervision or care.

2.33 STREET

A publicly owned and maintained right-of-way that affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road, or other thoroughfares.

2.34 STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

2.35 VEHICLE REPAIR

- A. **Major Vehicle Repair:** General repair, rebuilding, or reconditioning of engines or motor vehicles; collision service (including body repair and frame straightening); painting, upholstering; or vehicle steam cleaning and undercoating, as a business.
- B. **Minor Vehicle Repair:** Minor repairs, incidental replacement of parts or motor service to motor vehicles not exceeding 2-ton capacity but not including any repair or work included in the definition of "major vehicle repair".

2.36 YARD

A required open space unoccupied and unobstructed by any principal building or structure or portion thereof from 30 inches above the general ground level of the lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

- A. **Front Yard:** A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the nearest point of the main building. The depth of the front yard shall be measured perpendicular to a straight line drawn along the shortest distance between the right-of-way and the nearest point of the main building.

- B. **Rear Yard:** A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest point of the main building.

- C. **Side Yard:** A yard between a main building and the side lot line extending from the front of the main building to the rear of the main building. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.