

ARTICLE 2

DEFINITIONS AND RULES APPLYING TO TEXT

Section 2.1 Rules Applying to Text.

The following rules shall apply to the text and language of this Ordinance:

- 2.1.1. The particular shall control the general.
- 2.1.2. In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- 2.1.3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- 2.1.4. Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- 2.1.5. The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- 2.1.6. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Section 2.2 Definitions.

For the purpose of this Ordinance, certain words and terms are herewith defined. Illustrations of specific definitions are provided.

Accessory Buildings and Structures. A supplementary building or structure on the same lot or parcel of land as the principal building, occupied by or devoted exclusively to an accessory use.

Accessory Use. A use reasonably and customarily, incidental and subordinate to, the principal use of the premises.

Adult Entertainment Use. Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "specified sexual activities" or "specified anatomical areas."

“Specified Sexual Activities” are defined in this ordinance as human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

“Specified Anatomical Areas” are defined in this ordinance as less than completely covered human genitals, pubic regions, buttocks, and the areola or nipple of female breasts. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adult entertainment uses shall include:

1. *Adult book or video establishment:* An establishment having a substantial or significant portion of its stock in trade books, magazines or other publications, video recordings and films which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale, rent or display of such material.
2. *Adult cabaret:* A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, or similar entertainers, where a significant portion of such performances show, depict, or describe "specified sexual activities" or "specified anatomical areas."
3. *Adult motel:* A motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
4. *Adult motion picture arcade:* Any place where the public is invited or permitted wherein coin- or slug/token-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images and where a significant portion of images so displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
5. *Adult motion picture theater:* An enclosed building or open air site with any size seating capacity used for presenting motion pictures distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
6. *Adult sexual encounter center:* Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "specified sexual activities" or conduct involving "specified anatomical areas."

Adult Foster Care Facility. A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing

basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

1. *Adult Foster Care Small Group Home:* An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
2. *Adult Foster Care Large Group Home:* A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
3. *Adult Foster Care Family Home:* A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
4. *Adult Foster Care Congregate Facility:* An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Alley. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Antenna. An exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Apartment. A room or suite of rooms, including bath and culinary accommodations, intended or designed for use as a residence by a single family.

Appurtenance. An ornamental, structural or mechanical element that is attached to and subordinate to a building or structure.

Automobile Dealer. A building or premises used primarily for the sale of new or used automobiles.

Automobile Repair. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust-proofing.

Automobile Service Station. A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including bumping, painting, or refinishing thereof. In addition to automobile service, convenience stores and carry out restaurants may be included.

Automobile Washes. A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

Auxiliary Parking Lot. A parking area that is provided in excess of required parking spaces for the permitted use.

Average. For the purpose of this Ordinance, the term, "average" shall be an arithmetic mean.

Basement. That portion of a building having more than one-half (1/2) of its height below finished grade.

Bed and Breakfast Establishment. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Buffer. A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Buildable Area. The space remaining after the minimum setbacks and open space requirements of this Ordinance have been complied with.

Building. A structure having a roof supported by columns or walls.

Building Code. The currently adopted code or codes regulating building construction in the City of Grayling.

Building Height. The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall.

Building Line. A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line

Building Setback Line. The line established by the minimum required setbacks forming the area within a lot in which a building may be located.

Building Official. The administrative official designated by the City Council to enforce the Building Code.

Child Care Facilities. The following definitions shall apply in the application of this Ordinance:

1. *Family Child Care Home:* A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
2. *Group Child Care Home:* A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
3. *Child Care Center:* A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.
4. *Child Caring Institution:* A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
5. *Foster Family Home:* A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
6. *Foster Family Group Home:* A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Commercial Use. The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

Conditional Use. A use which is subject to conditional approval by the Planning Commission. A conditional use may be granted only when there is a specific provision Chapter 4. A conditional use is not considered to be a nonconforming use.

Convalescent or Nursing Home. A state licensed facility for the care of children, of the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State law even though State law has different size regulations.

Convenience Grocery Store. A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

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

Drive-Through Business. Any restaurant, bank or business with an auto service window.

Dwelling. A dwelling is a building used exclusively as a residence by not more than one (1) family but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building.

Dwelling, Multiple-Family. A building consisting of three (3) or more dwellings.

Dwelling, Single-Family. A building designed for, or occupied exclusively by, one (1) family.

Dwelling, Two-Family. A building consisting of two (2) dwellings.

Easement The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Essential Services. Services that are erected, constructed, altered, or maintained by public utilities or municipal agencies of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, poles, and other similar equipment or accessories reasonably in connection therewith for the furnishing of adequate service by such public utilities or municipal agencies.

Extractive Operation. Premises from which any rock, gravel, sand, topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

Family. An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-commercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of

students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes and foster family group homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

Fence. A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable man-made materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary.

Floor Area. The sum of the gross horizontal areas of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

Garage. A structure which is accessory to a principal residential dwelling and which is used for the parking and storage of vehicles owned and operated by the residents thereof.

Garage Sale. The display and/or offering for sale, new or used household goods, for a limited period of time, in a residential district. For the purposes of this Ordinance, Garage Sale is analogous with “Yard Sale” and “Moving Sale”.

Grade. The degree of rise or descent of a sloping surface.

Grade, Finished. The final elevation of the ground surface after development.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alternations.

Greenbelt. A landscaped area between the property line and the front yard building or parking setback line, this area also includes a front yard parking lot setback area.

Green Way. An area of land adjacent to the river edge that contains no buildings, structures, fencing or other improvements.

Home Occupation. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Impervious Surface. A material incapable of being penetrated by water and other liquids. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives and parking lots.

Junk Yard. A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron, metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

Kennel. A kennel is any place or premise where four (4) or more adult dogs, cats, or other domestic pets are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

Landscaping. The following definitions shall apply in the application of this Ordinance:

1. *Berm:* A landscaped mound of earth which blends with the surrounding terrain.
2. *Buffer:* A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
3. *Conflicting non-residential land use:* Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
4. *Conflicting residential use:* Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
5. *Greenbelt:* A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
6. *Opacity:* The state of being impervious to light or sight.
7. *Plant material:* A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

Living Quarters. A building or area in a building designed as an abode distinguished with kitchen facilities that compliment sleeping facilities.

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/or unloading merchandise or materials.

Lodging Facility. Any establishment in which individual units are rented to transients for periods of less than thirty (30) days for the purpose of sleeping accommodations. The term shall include hotels and motels but shall not include bed and breakfast operations, multiple-family dwellings or rooming houses.

Lot. A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;

3. Any combination of complete and/or portions of lots of record;
4. A parcel of land described by metes and bounds.

Lot Area. The total horizontal area within the lot lines of a lot, but excluding that portion within a street right-of-way.

Lot, Corner. A lot with frontage on two intersecting public and private streets.

Lot Coverage. The percentage of the lot area covered by the building area.

Lot Depth. The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

Lot, Double Frontage. A lot other than a corner lot having frontage on two (2) or more parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

Lot, Interior. An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Width. The required horizontal distance between the side lot lines measured at the two (2) points where the required front yard setback line intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to eighty (80%) percent of the required lot width.

Lot Lines. Any line dividing one lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot.

Lot Line, Front: The lot line which separates the lot from the existing street right-of-way or approved private road easement that provides access to the lot.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record. A lot where the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Crawford County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

Manufactured Home. Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974) as amended, is transportable in one or more sections, and may be built on a permanent chassis which does not have hitch, axles, or wheels permanently attached to the body frame. May also be referred to as a mobile home.

Manufacturing. The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale or other use of any goods, substance, article, thing or service.

Maximum Lot Coverage. Total permitted area of a lot that is not open space due to structures built on the land. Structures such as principal buildings, garages, accessory buildings, decks, porches, and parking lots are counted. Ground covering such as residential driveways, gazebos, yard ornaments and signs are not counted.

Mezzanine. Is an intermediate floor in any story occupying but not to exceed more than one-third (1/3) of the floor area of such story.

Mobile Home. A detached portable single-family dwelling, prefabricated on its own chassis and intended for long-term occupancy. The unit contains sleeping accommodations, a flush toilet, a wash basin, a tub or shower, eating and living quarters. It is designed to be transported on its own wheels or flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and connected to existing utilities.

Mobile Home Park. Any parcel of land intended and designed to accommodate more than one (1) mobile home for living use which is offered to the public for that purpose; and any structure, facility, area, or equipment used or intended for use incidental to that living use.

Municipal Civil Infraction. A an act or omission that is prohibited by the City of Grayling Zoning Ordinance or the City of Grayling Municipal Civil Infractions Ordinance, but which is not a crime under this ordinance or any other county ordinance, and for which civil sanctions, including fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of the City of Grayling Zoning Ordinance that is a criminal offense.

Non-Conforming Building. A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Non-Conforming Use. A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Non-Residential Zoning District. Any of the following Districts: C-1, C-2, C-3A, C-3B, CBD and I.

Off-Street Parking Area. A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

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 distinguished from the upland as evidenced in the soil, the configuration of the surface of the soil and vegetation.

Open Air Business. Includes uses operated for profit substantially in the open air including outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar activities or retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

Parking Space. One (1) unit of a parking area provided for the parking of one (1) vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Planned Unit Development (PUD). Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Practical Difficulty. A situation whereby a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the minimum practical standard or created by an owner subsequent to the adoption of the Ordinance is not a practical difficulty.

Principal Building or Structure. The main building or structure in which the primary use is conducted.

Public Utility. Any person, firm, corporation, or municipal agency authorized under Federal, State, County or municipal regulations to furnish electricity, gas, communications, transportation, water, or sewer services.

Recreational Vehicle. "Recreational Vehicles" shall include the following:

1. *Boats and Boat Trailers:* Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
2. *Folding Tent Trailer:* A canvas folding structure, mounted on wheels and designed for travel and vacation use.
3. *Motor Home:* A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being

moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

4. *Other Recreational Equipment:* Equipment similar but not limited to snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
5. *Pickup Camper:* A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
6. *Travel Trailer:* A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

Restaurant. A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

1. *Restaurant, Carry-Out:* A restaurant whose method of operation involved sale of food, beverages, and/or frozen deserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
2. *Restaurant, Fast-Food:* A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
3. *Restaurant, Sit Down:* A restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
4. *Bar/Lounge:* A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Right-of-Way. A legal right of passage over real property typically associated with roads and railroads.

River Front Lands. The land paralleling the river bank of all rivers, streams and flow-ages of water in the City, fifty (50) feet wide, as measured from the ordinary high water level, landward, at right angles or radial to the shoreline or bank, on a horizontal plane.

Rooming House. A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire without meals.

Screen. A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials such as trees and shrubs.

Seasonal Parking Lot. A parking area designed to service a limited, defined group of users less than six (6) months per year during the non-winter months.

Setback. The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines and natural features.

Shopping Center. More than one (1) commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Sign. A device which is affixed to, or otherwise located or set upon a building, structure or parcel of land which directs attention to an activity, or business. The definition includes interior signs which are directed at persons outside the premises of the sign owners and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided:

1. *Freestanding Sign:* A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.
2. *Projecting Sign:* A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.
3. *Portable Temporary Sign:* A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building.
4. *Real Estate Sign:* A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.
5. *Roof Sign:* Any sign wholly erected to, constructed/or maintained on the roof structure of any building.
6. *Wall Sign:* Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

7. *Canopy Sign:* Means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits off the canopy.
8. *Window Sign:* A sign installed inside a window and intended to be viewed from the outside.
9. *Sign Surface:* That part of the sign upon, against, or through which the message is displayed or illustrated.

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

1. *Condominium Act:* Act 59, Public Acts of 1978, as amended.
2. *Condominium Documents:* The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
3. *Condominium Lot:* The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
4. *Condominium Unit:* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
5. *General Common Elements:* The common elements other than the limited common elements.
6. *Limited Common Elements:* A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
7. *Master Deed:* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

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

Story, One-Half. A story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below.

Street. A public or private thoroughfare which affords the principal means of access to abutting property.

Street Line. The dividing line between the street right-of-way of the contiguous street and the lot.

Structure. Anything constructed or erected above ground level or which is attached to something located on the ground. Structures typically include such things as buildings, signs, amateur radio towers, sheds, and decks.

Unnecessary Hardship. A situation whereby a property owner, due to conditions of a lot or parcel, cannot use said lot or parcel for any legal use allowed by the Zoning Ordinance within the district which the lot is located. Situations occurring due to the owner's desire to establish an alternate use when allowed use options are available or due to situations created by an owner subsequent to the enactment of the Ordinance shall not be deemed an unnecessary hardship.

Variance. A modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause either an unnecessary hardship or practical difficulty.

Variance, Non-Use. A dimensional variation of Ordinance standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

Variance, Use. A variation of the Ordinance standards allowing a use within a specific zoning district which is otherwise not allowed in that zone. Use Variances are granted based on the showing of an unnecessary hardship.

Vehicle Repair. Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Vehicle Sales. An authorized dealership for the sale of new and/or used vehicles with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of new and/or used vehicles such as minor repairing, servicing, and restoring, shall be performed within completely enclosed facilities.

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

1. *Attached Wireless Communications Facilities.* Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks,

utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

2. *Wireless Communication Support Structures.* Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
3. *Collocation.* The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.

Yard. An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. In all cases, the front lot line shall be considered to be that portion of the lot which abuts a public road right-of-way, private road easement or shoreline.

Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

Yard, Side. A yard between any building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of principal building.

Zoning Permit. A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land and buildings and structures thereon granting approval for the construction or use applied for. A zoning permit is also known as a land use permit.