
ARTICLE II

DEFINITIONS

Section 2.01 INTERPRETATION

For the purpose of this Ordinance, certain term or word uses shall be interpreted as follows:

- A. The word person includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual.
- B. The present tense includes the future tenses. the singular number includes the plural and the plural includes the singular.
- C. The word shall is mandatory, the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
- D. Any word or term not defined herein shall have the meaning of common or standard use, which is reasonable for context in which used herein.
- E. Questions of interpretation arising hereunder shall be decided by the Zoning Administrator whose decision may be appealed to the Zoning Board of Appeals.

Whenever used in these Zoning Regulations, the following words and phrases shall have the meaning ascribed to them in this Section:

Section 2.02 DEFINITIONS

Accessory use, building, or structure: A use, building, or structure, which is, clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related and is devoted exclusively to an accessory use.

Accessory use or accessory: A use, which is, clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. Accessory use includes, but it is not limited to uses such as those that follow:

- A. Residential accommodations for servants and/or caretakers within the principal building.
- B. Swimming pools for the use of the occupants of a residence, or their guests.

- C. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- D. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- E. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- F. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- G. Uses clearly incidental to a principal use such as offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- H. Accessory signs, subject to the City Sign Ordinance for the district in which the zoning lot is located.

Act: The term "Act" or "doing of an act" includes "omission to act" and for the purpose of this Ordinance does not include legislation.

Adult foster care facility: A residential structure licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

- A. **Adult Foster Care Home:** Private residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
- B. **Adult Foster Care Small Group Homes:** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
- C. **Adult Foster Care Large Group Family:** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
- D. **Congregate Care Facility:** See "Housing for the Elderly."

Adult day care: A facility, which provides care for over twelve (12) adults for less than 24 hours.

Adult regulated uses: As used in these Zoning Regulations, the following definitions shall apply to adult regulated uses:

- A. **Adult physical culture establishment:** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
1. establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 2. electrolysis treatment by a licensed operator of electrolysis equipment;
 3. continuing instruction in martial or performing arts, or in organized athletic activities;
 4. hospitals, nursing homes, medical clinics, or medical offices;
 5. barber shops or beauty parlors and salons, which offer massages to the scalp, the face, the neck or shoulders only;
 6. adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas; and
 7. a masseuse licensed by the State of Michigan and not engaged in massaging "specified anatomical areas" or engaged in "specified sexual activities" as described in this section.
- B. **Adult book or supply store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
- C. **Cabaret:** An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of

patrons therein. Also, an establishment, which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

- D. **Adult motion picture theater or adult live stage performing theater:** An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- E. **Adult model studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- F. **Adult motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- G. **Adult motion picture arcade or mini motion picture theater:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- H. **Adult, nude, partially nude dancing:** A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the "Specified Anatomical Areas" exposed (as defined herein).
- I. **Massage parlor or massage establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths,

Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

- J. **Adult personal service business:** A business having as a principal activity a person of one sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- K. **Adult outdoor motion picture theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- L. **Specified anatomical areas:** Portions of the human body defined as follows:
1. less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
 2. human male genitals in a discernible turgid state, even if completely and opaquely covered.
- M. **Specified sexual activities:** The explicit display of one or more of the following:
1. human genitals in a state of sexual stimulation or arousal;
 2. acts of human masturbation, sexual intercourse, or sodomy;
 3. fondling or other erotic touching of human genitals, public region, buttocks, or female breast;

Alley: A strip of land dedicated to public use, generally for the purpose of providing vehicular access to the rear of properties to which the principal access is provided by an abutting street.

Alterations: Any change, addition, or modification in construction or type of occupancy, or 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".

Animal hospital: See Clinic, veterinary.

Apartment: See Dwelling, multiple-family.

Arcade: The use of a building or a portion of a building for the location, operation, and placement of six (6) or more mechanical amusement devices. For the purposes of this definition, mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Automobile: Unless specifically indicated otherwise, "automobile" shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile or vehicle dealership: A building or premises used primarily for the sale of new and/or used automobiles and other motor vehicles to include outside storage of vehicles.

Auto repair, major: An automotive repair establishment which may conduct activities defined herein as "minor repairs" and one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank casepan, recapping or retreading of tires, steam cleaning and similar activities.

Automobile service center (minor maintenance and repair): A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile service center may also sell gasoline, but is distinct from an automobile service station (i.e. gas station without repair).

Automobile service (gasoline) station: An establishment, which includes buildings and premises for the primary purpose of retail sales of gasoline. An auto service station may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing gasoline.

Automobile wash: Any building or structure or portion thereof either as a principal or accessory use containing facilities for washing motor vehicles using production fine

methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operations.

Basement: That portion of a building, which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earthbermed or earth-sheltered homes. A basement shall not be counted as a story.

Bed-and-breakfast: A single family dwelling which is owner occupied in which overnight accommodations are provided or offered for transient guests for compensation, often including provisions for a morning meal for overnight guests.

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 or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Board of Appeals: The Board of (Zoning) Appeals of the City of Dexter.

Buildable area: The space remaining on a lot after compliance with the minimum required setbacks of the Ordinance.

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, chattels, or property of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, coal bunkers, oil cracking towers, or similar structures.

Building envelope: The area of a lot, which is defined by the minimum setback requirements within which building construction is permitted by the terms of these Zoning Regulations.

Building height: The vertical distance measured from the established grade of 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.

Building line: A line formed by parallel to the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Building, main or principal: A building, or where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

Bulk: The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

Caliper: The diameter measured at four and one-half (4.5) feet above the natural grade for existing trees; twelve (12) inches above the average surrounding grade for new trees over four (4) inches in caliper and six (6) inches above the average surrounding grade for trees less than four (4) inches in caliper.

Care organization: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

A. **Child care center or day care center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility, which provides care for not less that two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

B. **Family foster care or family home:** A private home in which 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.

C. **Group foster care or family group home:** A private home licensed by the Michigan Department of Social Services 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.

D. **Family day care home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.

E. **Group day care home:** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Carport (attached): A roofed structure attached to a principal structure providing space for the parking or storage of currently licensed and registered motor vehicles, having no doors and open on at least one (1) side.

Carport (detached): A free standing roofed structure for the parking or storage of currently licensed and registered motor vehicles, completely open on one (1) side and not more than 75% enclosed on the opposite side.

Cemetery: Land used or intended to be used for burial of the human dead including columbariums, crematories, and mausoleums and dedicated for such purposes.

Central Sanitary Sewerage System: Any person, firm corporation, municipal department or board duly authorized to furnishing under federal, state or municipal regulations to the public sanitary sewerage disposal system from a central location or plant, but not including septic tanks.

Central Water System: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a central water system from a central location or plant.

Church (mosque or temple, etc.): Any structure wherein persons regularly assemble for religious activity.

Clinic, medical: A place for the care, diagnosis, and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate laboratories and pharmacies, but shall not include facilities for in-patient care or major surgery.

Clinic, veterinary: An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis and treatment of animals, including those in need of medical or surgical attention.

Clinic, veterinary:

Small Animal Clinic: A facility engaged in the prevention and treatment of animal diseases and ailments in common domestic house pets (see definition of pet). A clinic shall not board animals overnight except when the animal is recovering from treatment rendered in the same clinic. No outdoor boarding shall be permitted. Farm animals including horses, cattle, sheep swine and similar livestock are not to be treated at a small animal clinic.

Large Animal Clinic: A facility engaged in the prevention and treatment of animal diseases and ailments in farm animals, including horses, cattle, sheep, swine and similar livestock. A clinic shall not board animals overnight except when the animal is recovering from treatment rendered in the same clinic. No outdoor boarding shall be permitted.

Club, private or fraternal organization and lodge halls: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in these Zoning Regulations.

Commercial use: An occupation, employment or enterprise that is carried on for profit by the owner.

Commercial vehicle: Any vehicle possessing commercial license plates and which falls into one or more of the categories listed below:

- A. truck tractor;
- B. semi trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;
- C. vending trucks, such as ice cream, milk, bread, fruit or vending supply trucks;
- D. tow trucks;
- E. commercial hauling trucks;
- F. vehicle repair service trucks;
- G. snow plowing trucks;

- H. any vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

Condominium: A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of these Zoning Regulations, condominium terms shall be defined as follows:

- A. **Condominium act:** Shall mean Public Act 59 of 1978, as amended.
- B. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of these Zoning Regulations. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback as stated in the Schedule of Regulations of this Ordinance.
- C. **Condominium subdivision plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- D. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- E. **Common elements:** Portions of the condominium project other than the condominium units.
- F. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- G. **Conversion condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

- H. **Convertible area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- I. **Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- J. **General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.
- K. **Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. **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.
- M. **Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

Congregate housing: See Housing for the elderly.

Contractors yard: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

Convalescent home: See Nursing Home.

Convenience 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 stores are designed to attract a large volume of stop-and-go traffic.

Curb cut (driveway): The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Cul-de-sac: See Street.

Deck: A platform, constructed of wood, which is typically attached to a dwelling unit, which is commonly used for outdoor leisure activities.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land excluding area devoted to public r.o.w. or easements. For purposes of calculating maximum density, only twenty-five percent (25%) of the acreage comprised of open water, land within the 100 year floodplain elevation, and/or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage.

Detention basin: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District: A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-through: An establishment so developed that some portion of its retail or service character is dependent upon providing a staging area and service window specifically designed for serving motorists while in a motor vehicle with carry-out and consumption or use after the vehicle is removed from the premises (see also definitions for restaurants).

Dwelling, accessory apartment: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption, or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Dwelling, manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

- D. A manufactured dwelling may be a mobile home, defined as a type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of these Zoning Regulations.

Dwelling, multiple-family: A building designed for and occupied by three (3) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly known as apartments, which are defined as follows:

- A. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached from a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
- B. **Efficiency unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

Dwelling, one-family or single-family: An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

Dwelling, two-family or duplex: A detached building, designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

Dwelling unit: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one (1) family for living, cooking, and sleeping purposes.

Dwelling unit, single-family attached or townhouse: A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are sometimes known as row houses.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including poles, wires, water towers, lift stations, iron removal facilities, wells, water mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Essential services shall not include storage yards, cellular telephone towers, recycling centers, commercial reception towers, air quality monitoring stations, propane sales, school bus parking yards, electrical towers, sales or business offices, or commercial buildings or activities or other similar uses.

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

Facade: The exterior wall of a building exposed to public view.

Family: means either of the following:

- A. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

Fence: A structure of definite height and location constructed of wood, masonry, stone, wire, metal or any other material or combination of materials serving as a physical barrier, marker, or enclosure, but excluding low solid masonry walls (see Sec. 3.18 Fences).

Filling: The depositing or dumping of any matter onto or into the ground, except as part of common household gardening or ground care.

Flood Plain: The area adjoining a river, stream, water course, or lake which is inundated by a flood discharge which results from a 100 year storm of a 24 hour duration. The flood plain shall include the stream channel and overbank area (the floodway) and the fringe areas of the floodway.

Floor Area Ratio (FAR): The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number. The term is commonly referred to as FAR.

Floor Area, Gross – The total constructed area of a building. This area is computed by measuring to the outside finished surface of permanent outer building walls or from the centerline of walls separating two (2) buildings without any deductions except as noted. All enclosed floors of the building, including basements, garages (heated), mechanical equipment floors, penthouses, balconies, mezzanines, enclosed porches, accessory buildings attic floors space providing head room of at least 7’6” (whether or not floor has been installed) and the like are calculated.

Floor Area, Gross (for the purposes of computing parking only) – Gross floor area shall be the sum of the horizontal areas of each story of the building, measured from the exterior surfaces of the exterior walls. Gross floor area shall include all spaces noted above except for: exterior porches, attached garages, attics and basements that cannot accommodate commercial or office operations other than unoccupied incidental storage.

Fraternal organization: See Club.

Garage, private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, service: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Garden center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

Gasoline service station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major- automobile repair.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Group home: See Care Organization.

Gym or gymnasium: A room or building equipped for gymnastics, exercise or sport.

Hazardous uses: All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in the most recent edition of the Building Code adopted by the City.

Height of building: See Building Height.

Home occupation: A use conducted entirely within an enclosed building employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home occupation, business activity involving any building alterations, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from off the lot on which located.

Hospital: A facility offering 24-hour emergency, inpatient and outpatient care and services for observation, diagnosis and active treatment of patients under the care and supervision of physicians and professional medical staff. The term hospital shall also include medical clinics or hospitals offering care in special fields such as eye, cardiac care, ear, nose, throat, pediatric, orthopedic, skin, cancer, burn centers, neo-natal care, children's hospitals and ophthalmology centers.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Housing for the elderly: Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the

individuals is over the age of fifty-five (55). Housing for the elderly may include the following:

- A. **Senior apartments:** Multiple-family dwelling units occupied by persons 55 years of age or older.
- B. **Elderly housing complex:** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
- C. **Congregate housing:** A type of semi-independent housing facility for more than twenty (20) adults containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- D. **Dependent housing facilities (nursing homes):** Facilities, which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Impervious surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Indoor Recreation: An enclosed establishment, which provides indoor exercise facilities including court sport facilities; team sports activities; billiard halls; skating rinks; arcades; bounce arenas; climbing facilities; indoor golf; swimming facilities; bowling; shooting/archery ranges and similar activities.

Industry, heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Ingress and egress: As used in these Zoning Regulations, "ingress and egress" generally is used in reference to a driveway, which allows vehicles to enter or leave a parcel of property, or to a sidewalk, which allows pedestrians to enter or leave a parcel of property, a building, or another location.

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition, which prevents their use for the purpose for which the product was manufactured.

Junk 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 metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

Kennel: Any lot or premises on which four (4) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, or training subject to the regulations set forth herein regulating private and commercial kennels Residents that own pets, as defined herein, are not considered kennels

Laboratory: An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material.

Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

- A. **Berm:** A raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.
- B. **Buffer:** strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these zoning regulations.
- C. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Washtenaw County, Michigan.
- D. **Ground cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- E. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- F. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.

- G. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.
- H. **Mulch:** A layer of wood chips, dry leaves, straw, hay, fiber, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- I. **Nurse grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- J. **Planting:** A young tree, vine or shrub or other plant material that would be placed on or in the ground.
- K. **Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- L. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- M. **Sod:** An area of grass-covered surface soil held together by matted roots.
- N. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Washtenaw County, Michigan.
1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
 2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
- O. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and

uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of:

- A. A single Lot of Record.
- B. A portion of a Lot of Record.
- C. A combination of complete Lots of Record, or portion thereof.
- D. A condominium lot.
- E. A piece of land described by metes and bounds.

Lot Area: The total horizontal area within the lot lines of the lot exclusive of any abutting public street right-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

Lot, contiguous: Lots adjoining each other.

Lot, corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage: The part or percent of the lot occupied by buildings and/or structures, including accessory buildings and structures, such as, but not limited to decks, stairways, porches, breezeways and swimming pools, but excluding sidewalks and driveway within non-required yards. (effective 2016-12-15)

Lot depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, flag: A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

Lot, interior: Any lot other than a corner lot.

Lot lines: The lines bounding a lot as defined herein:

Definitions

- A. **Front lot line:** In the case of an interior lot, is the line separating said lot from the street. In the case of a through or corner lot, is that line separating said lot from either street.
- B. **Rear lot line:** That lot line opposite the front lot fine. In the case of a lot pointed at the rear, the rear lot fine for purposes of measuring setbacks shall be along all lines on the opposite side of the lot from the front lot line as determined by the Zoning Administrator.
- C. **Side lot line:** Any lot line other than the front lot line or rear lot fine. A lot line separating the "side" of a structure from a street is a front lot fine (i.e. corner lots have two front lot lines). A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, through: Any interior lot having frontage on two (2), more or less, parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

Lot, zoning: A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

Manufactured home: A dwelling unit, which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

Master plan: The Comprehensive Community Plan adopted by the Planning Commission including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Definitions

Mechanical amusement device: Any machine or device, which operates as a game, entertainment, contest of skill, or amusement of any kind, and which has the following characteristics:

- A. The device may be identified as a video, electronic or mechanical device.
- B. The device may be operated and/or initiated upon the insertion of a coin, token, ticket, slug, plate, disc, key, or through the payment of a price.
- C. The device and the playing thereof offers no direct or automatic payoff or the return of money, goods, or services.
- D. This definition does not apply to the following:
 - 1. a vending machine, which does not incorporate gaming or amusement features;
 - 2. musical devices or coin operated radios; or
 - 3. television sets in private quarters.

Medical Marihuana Home Occupation: Means the cultivation of medical marihuana by a registered primary caregiver as defined in Sec. 3 of the Act, MCL §333.26423(g), within a dwelling unit that is the registered primary caregiver's primary residence and which cultivation is in conformity with the restrictions and regulations contained in the Act, as amended and in the MDCH Administrative Regulations.

Medical Marihuana Home Use: Means a dwelling unit that is the primary residence of a qualifying patient, as defined in Sec. 3 of the Act, MCL §333.26423(h), who is registered with the Department of Community Health (MDCH). In his or her primary residence, a registered qualifying patient may lawfully cultivate medical marihuana for him or herself in accordance with the Michigan Medical Marihuana Act of 2008 and the MDCH Administrative Rules, as amended. In his or her primary residence, a registered qualifying patient may receive assistance from his or her primary caregiver with whom the registered qualifying patient is connected to through the MDCH registration process pursuant to MCL §333.26426(d) in accordance with the Michigan Medical Marihuana Act of 2008 and the MDCH Administrative Rules, as amended.

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

Mini-warehouse: A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

Definitions

Mobile home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a trailer coach (recreational vehicle).

Mobile home sales: A person, other than a manufacturer, engaged in the business of buying, selling, exchanging, leasing, or renting mobile homes.

Mobile home park: A parcel or tract of land, under the control of a person, upon which three (3) or more mobile homes are located on a continual non-recreational basis and including all appurtenances that are incidental to the occupancy of a mobile home.

Modular home: A premanufactured unit assembled of materials or products intended to comprise all or part of a building or structure and is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to ensure uniformity of quality and material content.

Mortuary or funeral home: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

Motel: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space, but typically not cooking facilities. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Natural features: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Noncommercial Parks and Recreational Facilities – Any developed land used for active and/or passive recreational pursuits, within the jurisdiction and control of a governmental agency; commonly referred to as a “public park”. (effective May 26, 2016)

Nonconforming use and building: A use and/or a building, lawfully existing at the time of adoption of this Ordinance or any subsequent amendment hereto, which does not conform to the use, height, bulk placement, or yard provisions of the zoning district in which it is situated (see Article IV Non-Conformities).

Nursery, plant materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Definitions

Nuisance factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, illumination, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, or invasion of non-abutting street frontage by traffic.

Nursing home (convalescent or rest home): A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care.

Occupancy, change of: The term "change of occupancy" or "change of use" shall mean a discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or, the expansion of a use.

Occupied: Used in any manner at the time in question.

Offset: The distance between the centerlines of driveways or streets across the street from one another.

Off-street loading space: A facility or space which permits the standing, loading, or unloading of trucks and other vehicles other than on or directly from a public right-of-way.

On-street loading space: A location within the public street right-of-way which has been approved by the City for the standing, loading or unloading of trucks, vans or other vehicles.

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

On-street parking spaces: Spaces designated and signed for public parking within the public street right-of-way.

Open air business uses: Business and commercial uses conducted solely outside of any building. Unless otherwise specified herein, open air business shall include: retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil trellises, lawn furniture, and Christmas trees and outdoor displays of structure and vehicles sold on the premises.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

Definitions

Open space: Required open space shall be on the same lot with the principal use and shall be unoccupied and unobstructed from the ground upward except for living plant material recreational facilities, permitted signs, sidewalks, bike paths, and necessary drives and utility lines, unless as otherwise provided in this Ordinance. Where open space is required, no more than fifty percent (50%) of the required area shall be comprised of lakes, ponds, regulated wetlands or floodplain. Exceptions: The following structures may be located anywhere on the lot: open and unroofed terraces, patios, stoops and steps, ramps for handicapped access, awnings, flag poles, trellises, retaining walls, fountains, outdoor cooking equipment, sidewalks, mailboxes, light poles, and fences in accordance with Article 3. In residential districts, the following types of structures may be located anywhere on the lot except in required front open space; fire escapes, and mechanical equipment. Certain architectural features such as cornices, eaves, gutters, and chimneys may project two (2) feet into required open space.

Outdoor storage: The keeping, outside of an enclosed building, of any goods, junk, material merchandise or vehicles in the same place for more than 24 hours.

Outlot: A parcel of land which is designated as an "outlot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

Parcel: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act and has frontage on a public street.

Parking space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Performance guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations and the approved plans and specifications of a development.

Person: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Personal fitness center: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Pervious surface: A surface that permits full or partial absorption of storm water.

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Definitions

Pool or billiard hall: An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables.

Planning Commission: The City of Dexter Planning Commission.

Principal use: The main use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

Property lines: The lines bounding a lot; the lot lines.

Public utility: A public corporation, franchise, 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, telephone service (excluding cellular phone facilities), cable television services, telegraph, transportation, or water.

Reasonable access: An access management term defined as ensuring a motorist can enter or exit a parcel in an uncomplicated manner that will not significantly prevent their visiting an establishment. Reasonable access may not always be the most direct access, but may involve use of a shared driveway or service drive.

Reception antenna: An exterior apparatus that is capable of receiving communication for radio or television purposes including satellite reception antennas but excluding facilities considered to be essential public service facilities or those preempted from City regulation by applicable state, FCC or other federal laws or regulations.

Recreation land: Any publicly or privately owned lot or parcel that is utilized for recreational activities, such as, but not limited to, camping, swimming, picnicking hiking, nature study, hunting, boating, and fishing.

Recreational vehicle: "Recreational Vehicles" shall include the following:

- A. **Travel trailers:** A portable vehicle on a chassie, 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 include self-contained sanitary, water, and electrical facilities.
- B. **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.
- C. **Motor home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of

Definitions

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

- D. **Folding tent trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
- E. **Boats and boat trailers:** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. **Other recreational equipment:** Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recognizable and substantial benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

Recycling center: A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products. This use is distinct from a junkyard or a salvage yard.

Residential Cluster Development: A grouping of single-family residences on lots where area and width requirements have been reduced below the minimums required in the district in which located, with the excess land area which results from the lot size reductions placed into common open space. (See Section 8.11, Special Land Use Specific Requirements)

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:

- A. **Restaurant, carry-out:** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. **Restaurant, drive-in:** A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

Definitions

- C. **Restaurant, drive-through:** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises. Any restaurant with a drive-through operation, whether the principal or accessory use, shall be defined as a drive-through restaurant.
- D. **Restaurant, open-front:** An establishment that sells food or beverages through a window to serve pedestrians not requiring the patron to enter the structure. Any restaurant with an open front window shall meet the ordinance standards for open-front windows whether the use is principal or accessory.
- E. **Restaurant, sit-down:** A standard restaurant is a business establishment whose method of operation involves either:
1. the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
 2. 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.
- F. **Bar/lounge/tavern:** A bar or lounge is 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.

Retention basin: A pond, pool or basin used for the permanent storage of storm water runoff.

Right-of-way: The strip of land which an dedicated easement exists to allow facilities such as roads, crosswalks, railroad, electric transmission lines, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other similar uses.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Salvage Yard: An area where waste and used or secondhand materials are bought and sold, exchanged, stored, packed, disassembled or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A salvage yard includes junkyards and similar facilities including automobile wrecking yards and any

Definitions

open area of more than two hundred square feet for storage, keeping or abandonment of junk.

Seasonal or Special Event: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by the City of Dexter or by a non-profit Dexter community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Service drive: Any private road that is generally parallel to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Semi-trailer: A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

Service truck: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

Setback: Is the distance required to obtain the minimum required distance between the front, side or rear lot lines and the building lines or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this ordinance. (Refer to the Schedule of Regulations, Article XX, for minimum setbacks).

Shopping center: A grouping of retail businesses and service uses on a single site with common parking facilities.

Shoreline: The line between upland and bottomland which persists through excessive 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 marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two (2) square feet shall not be considered signs.

For the purpose of this Ordinance, sign shall also include the following terms:

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Abandoned Sign: A sign which no longer directs or exhorts any person, or advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner: Any sign of lightweight fabric or similar material that is attached to a pole or a building at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard: An off-premises sign with an area in excess of two hundred (200) square feet.

Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also, any light with one (1) or more beams that rotate or move.

Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into masonry surface or made of other permanent material.

Building Sign: Any sign attached to any part of a building, as contrasted to a ground sign. Building signs shall include the following types of signs as defined in this section: Canopy, Projecting, Wall, permanent window, and channel letter signs.

Business Center Sign: A sign which identifies a group of two (2) or more stores, offices, research facilities, or manufacturing facilities which collectively have a name different than the name of the individual establishments and which have common parking facilities, or which is a platted business subdivision.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance window, or outdoor service area.

Casual Sales Sign: A temporary sign used for special sales, not scheduled with any regularity, and includes home garage sales, attic sales, flea market sales and other occasional casual sales whether or not commercially oriented. The sign must be located on the same lot as the special sale.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than one (1) time per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes

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is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Channel Letter Sign: Any sign installed as a cabinet or as individual letters, with self-contained illumination. Some channel letters may be mounted on a raceway (wire way) while others may be mounted flat against the building wall. Channel letter signs shall not exceed more than twelve (12) inches from the building wall.

Commercial Activity Signs: A temporary sign which includes signs advertising the opening of a new business, sales, change in hours of operation, or the conduct of commercial activities during other than regular business hours. Temporary banners are included in this definition.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Community Special Event: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by the City of Dexter or by a non-profit Dexter community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, youth enrichment, community education, civic celebration, or cultural or community enrichment.

Flag: Any fabric or banner containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Ground Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of a zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "handicap," "no hunting," "no trespassing" and other similar directives. No commercial message shall be considered incidental.

Incidental Business Sign: Signs associated with the drive-thru portion of a business, such as a menu-board sign.

Institutional Sign: Temporary signs announcing any youth enrichment, charitable, educational or religious event or function, including special events and community special events.

Integral Sign: Integral signs are names of buildings, dates of erection, monument citations, commemorative tablets and the like, when carved into

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stone, concrete or similar material or made of other permanent type construction and made an integral part of the structure.

Non-conforming Sign: Any sign that does not conform to the requirements of this Ordinance.

Off-site Sign (off-premises sign): A sign other than an on-site sign.

On-site Sign (on-premises sign): A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.

Outdoor Advertising Sign: A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Political Sign: A sign relating to the election of a person to public office or relating to a political party or relating to an issue or matter to be voted upon at an election called by a public body. Political signs are considered temporary signs.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is licensed operable and used in the normal day-to-day operations of the business.

Projecting Sign: Any sign affixed perpendicular to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall, with the exception of channel letter signs.

Real Estate Sign: A sign advertising that the property said sign is located upon is for sale, rent or lease. Real estate signs are considered temporary signs.

Residential Development Sign: A sign at the entrance of a residential development for the purposes of identifying a subdivision, site condominium, multiple family development, or mobile home park.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

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Roof Sign, Integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign: A sign that is intended to be displayed for a limited period of time.

Wall Sign: Any sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about a community activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Political signs, or other non-commercial advertising, shall not be deemed to be window signs for the purpose of this ordinance and shall not be subject to the provisions regulating window signs in this ordinance.

Site development plan: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; pedestrian and vehicular circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Special land use: Any land use, which requires approval by the City Council according to the standards listed in this Ordinance, and as authorized in the City or City Zoning Act.

Stable, commercial: A facility for the rearing and housing of horses, mules, ponies or for riding and training academies.

Stable, private: An accessory building incidental to an existing residential use, that shelters horses for the exclusive use of the occupants of the premises and their guests, without remuneration, hire or sale.

Street: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether

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designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

- A. **Private road:** Any road which is to be privately maintained and has not been accepted for maintenance by the City, Washtenaw County, the State of Michigan or the federal government, but which meets the requirements of these Zoning Regulations or has been approved as a private road by the City under any prior ordinance.
- B. **Public street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the City, Washtenaw County, State of Michigan or the federal government.
- C. **Arterial road:** A road, which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the City. An arterial road may also be a major thoroughfare.
- D. **Collector street:** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
- E. **Cul-de-sac:** A road that terminates in a vehicular turnaround.
- F. **Local or minor street:** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Street line (right-of-way line): The dividing line between the street and a lot.

Structure: Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, mobile homes, access drives, sidewalk, street directional or street name sign, and landscape improvements. Essential public utility poles, regulatory signs, necessary drives, sidewalks, bike paths, permitted parking, permitted signs and landscaping are not considered structures within required setback open spaces.

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Structural addition: Any alteration that changes the location of the exterior walls or area of a building.

Subdivision plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

Substance abuse treatment facility: Any establishment used for the dispensing, on an in-patient or out-patient basis, of compounds or prescription medicines directly to persons having drug or alcohol abuse problems. A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.

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

Swimming pool: Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and with a surface area greater than two hundred fifty (250) square feet, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Tasting room: An establishment that allows customers to taste samples of wine, beer or other alcoholic beverage manufactured on site or that has a State of Michigan issued liquor license as a tasting room. A tasting room may include wine, beer, or other alcoholic beverages and related item sales, marketing events, special events, entertainment, and/or food service. Establishments that are classified by the State Liquor Control Board as bars, nightclubs, taverns, restaurants or Class C liquor licenses are not included within this definition.

Temporary building: A building, which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of temporary buildings shall be subject to the requirements listed in the County Building Code, as amended.

Temporary uses and seasonal events: Uses intended for a limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include

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carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales and similar events.

Theater: An enclosed building used for presenting performances or motion pictures, which are observed by paying patrons from seats situated within the building.

Time Limits: Time limits stated in this Ordinance shall mean calendar days, weeks, months or years, whichever are applicable, unless otherwise specified herein.

Topographical map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Townhouse: A residential structure, or group of structures, each of which contains three (3) or more attached one family dwelling units with individual rear yards and or front yards designed as an integral part of each one family dwelling unit.

Toxic or hazardous waste: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A. an increase in mortality, or
- B. an increase in serious irreversible illness, or
- C. serious incapacitating, but reversible illness, or
- D. substantial present or potential hazard to human health or the environment.

Transition zone: A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

Urgent medical care center: A medical clinic, which offers emergency type care.

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

Utility trailer: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

Variance: A modification of the literal provisions of the Zoning Ordinance granted when enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

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Veterinary hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock. A veterinary hospital may include outdoor boarding for treatment.

City Council: The governing body of the City of Dexter, Michigan.

Wall: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance. A wall shall be a solid durable structure of masonry or concrete with a continuous foundation in contrast to a fence which may be constructed of wood.

Waste receptacle (Dumpster): Any accessory exterior container used for the temporary storage of rubbish, pending collection, having capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.

Wetland: shall mean land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- A. Contiguous to any lake, pond, river or stream.
- B. Not contiguous to any lake, pond, river or stream; and more than five (5) acres in size.
- C. Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner.

Warehouse: A building used primarily for storage of goods and materials.

Wholesale sales: The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- A. **Front yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- B. **Rear yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point

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of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

- C. **Side yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Act: The Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

Zoning Administrator: The City Official(s) designated by the City Council to administer and enforce the City Zoning Ordinance of the City or his or her designee.