ARTICLE 2
DEFINITIONS

§2.01 RULES OF CONSTRUCTION

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

A. The particular shall control the general.

B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. A "building" or "structure" includes any part thereof.

F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions "and," "or," "either...or," the conjunction shall be interpreted as follows:

   1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

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

   3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

I. Terms not herein defined shall have the meaning customarily assigned to them.

§2.02 ACCESSORY STRUCTURE

A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

§2.03 ACCESSORY USE

A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

§2.04 ADULT FOSTER CARE FAMILY

A private residence licensed under PA 218 of 1979 for six or fewer adults to be provided with foster care for five or more days a week for two or more consecutive weeks. The adult foster care family home licensee is a member of the household and an occupant of the residence.

§2.05 ADULT FOSTER CARE, LARGE GROUP HOME

A facility licensed under PA 218 of 1979 to provide foster care for at least thirteen (13) but not more than twenty (20) adults.

§2.06 ADULT FOSTER CARE, MEDIUM GROUP HOME

A facility licensed under PA 218 of 1979 to provide foster care for at least seven (7) but no more than twelve (12) adults.

§2.07 ADULT FOSTER CARE, SMALL GROUP HOME

A facility licensed under PA 218 of 1979 to provide foster care for six (6) or fewer adults.

§2.08 ALLEY

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

§2.09 APARTMENTS

A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

§2.10 AREA, SALES

Sales area shall only include that area customarily open and accessible to the public.

§2.11 AUTOMOBILE REPAIR FACILITIES

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

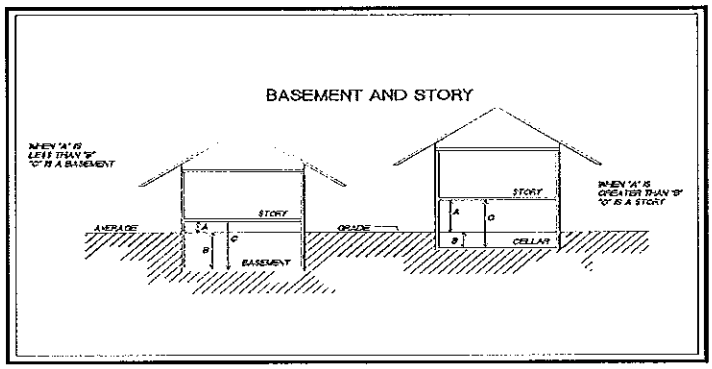
§2.12 AUTOMOBILE SERVICE STATIONS

A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premises is such, or high speed washing thereof. The term covers such uses as quick oil change facilities and muffler/brake replacement facilities provided no major repairs as described above are undertaken.

§2.13 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. A basement shall not be counted as a story. (See Figure 2-1)

Figure 2-1



§2.14 BED & BREAKFAST INNS

A dwelling having one kitchen and used for the purpose of providing one meal daily; that being breakfast, and lodging for pay or compensation of any kind to any persons other than members of the family occupying such said dwelling.

§2.15 BLOCK (FACE)

A block face is defined as and consists of those properties fronting along an existing right-of-way and located between the intersection of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or man-made features.

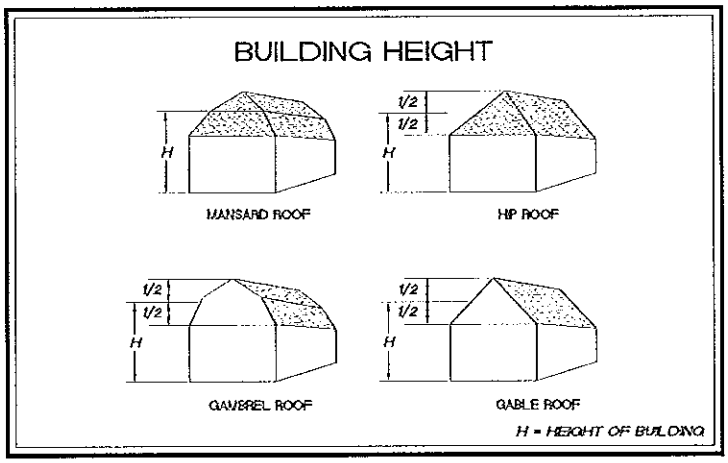
§2.16 BUILDING

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.

§2.17 BUILDING HEIGHT

The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See Figure 2-2)

Figure 2-2



§2.18 BUILDING PERMIT

An authorization issued by the Building Inspector to move, demolish, erect, or alter a structure within the city as described in the City Building Code.

§2.19 BUSINESS SERVICES

Establishment providing services such as printing, copying, mailing, and other similar business support services.

§2.20 CITY

The City of Clio, Genesee County, Michigan.

§2.21 CITY COMMISSION

The City Commission of the City of Clio, Genesee County, Michigan.

§2.22 CITY PLANNING COMMISSION

The Clio City Planning Commission as established by the Clio City Commission under provisions of the Municipal Planning Commission Act, being Act 285, Public Acts of 1931, as amended.

§2.23 CLINIC

An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of licensed physicians, dentists, or similar professions.

§2.24 CLUB

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.

§2.25 CONDITIONAL USE

A conditional use is a use of land for an activity which, under usual circumstances, would be detrimental to other land uses permitted within the same district, but which is permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district.

§2.26 CONDITIONAL USE PERMIT

An authorization approved by the City Planning Commission to use a parcel of land and/or structure for a conditional use.

§2.27 CONDOMINIUM

The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure.

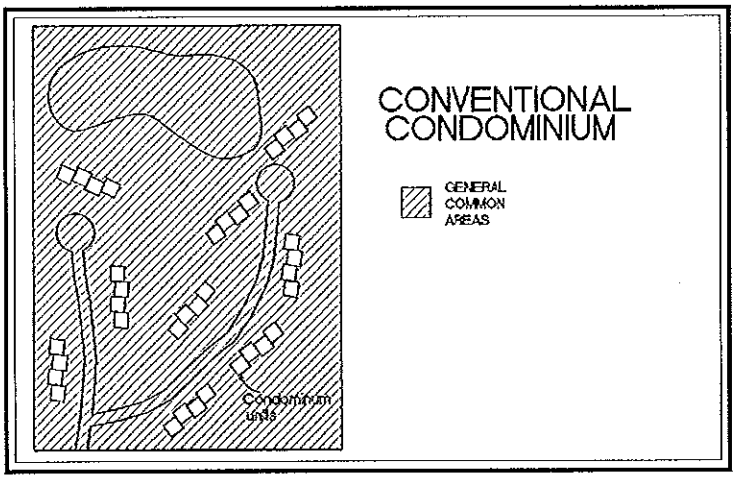
§2.28 CONDOMINIUM, CONTRACTIBLE

A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this act.

§2.29 CONDOMINIUM, CONVENTIONAL

A development in which ownership interest is divided under the authority of the Condominium Act (Pa 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area. (see Figure 2-3)

Figure 2-3



§2.30 CONDOMINIUM, CONVERSION

A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act, Pa 59 of 1978.

§2.31 CONDOMINIUM, EXPANDABLE

A condominium project to which additional land may be added in accordance with the Condominium Act, Pa 59 of 1978.

§2.32 CONDOMINIUM, GENERAL COMMON AREAS

Portions of the condominium development owned and maintained by the condominium association.

§2.33 CONDOMINIUM, LIMITED COMMON AREAS

Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.

§2.34 CONDOMINIUM, 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 including those items required in Section 8 of the Condominium Act, Pa 59 of 1978.

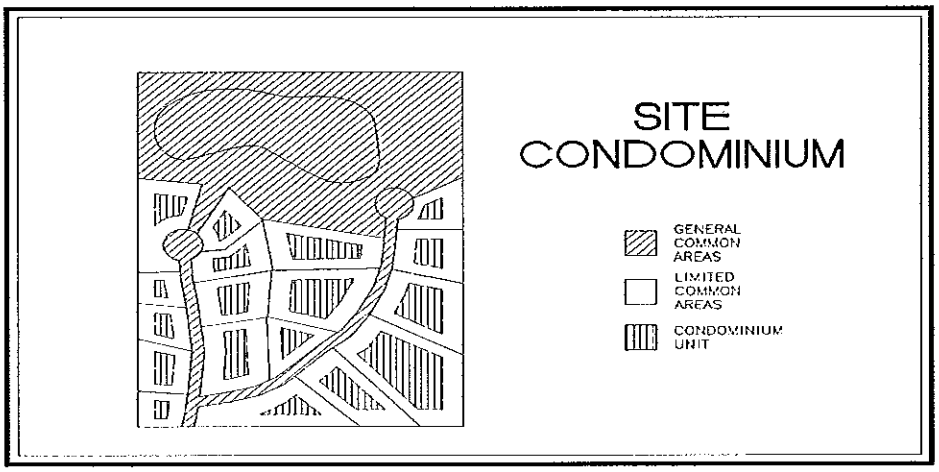
§2.35 CONDOMINIUM, OWNER OCCUPIED

Ownership and occupancy of a single dwelling unit within a multiple unit structure or structures by a single family.

§2.36 CONDOMINIUM, SITE

A development in which ownership interest is divided under the authority of the Condominium Act (Pa 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot. (see Figure 2-4)

Figure 2-4



§2.37 CONDOMINIUM SUBDIVISION PLAN

Means drawings and information prepared pursuant to Section 66 of the Condominium Act, Pa 59 of 1978.

§2.38 CONDOMINIUM UNIT

That portion of the condominium project designed and intended for separate ownership and use.

§2.39 CONVALESCENT OR NURSING HOME

A licensed structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

§2.40 CUL-DE-SAC

A street terminated at one end, with a turning radius.

§2.41 DAY CARE CENTER

A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

§2.42 DAY CARE HOME, FAMILY

A private home in which not more than six children are received for care and supervision for a period of less than 24 hours per day. The six child limitation includes children under seven years old in the resident family and shall not include more than 2 children under 1 year old.

§2.43 DAY CARE HOME, GROUP

A private home in which not less than seven or more than twelve children are received for care and supervision for a period of less than 24 hours per day, and shall not include more than 2 children under 2 years old.

§2.44 DECORATIVE FENCE

A temporary structure used to enhance or accent the yards to protect the landscaping of the site.

§2.45 DISTRICT, ZONING

Each part, or parts of the City of Clio for which specific zoning regulations are prescribed.

§2.46 DRIVE-IN

A business establishment so developed that its retail or service character is dependent on providing parking spaces for motor vehicles so as to serve patrons while in the motor vehicles rather than within a building or structure.

§2.47 DRIVE-THRU

A business establishment so developed that its retail or service character is dependent on providing a driveway approach for motor vehicles so as to serve patrons while in the motor vehicles rather than within a building or structure.

§2.48 DWELLING, MULTIPLE FAMILY

A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

§2.49 DWELLING, ONE FAMILY

A detached residential dwelling unit designed for and occupied by one (1) family only.

§2.50 DWELLING, TWO FAMILY

A dwelling occupied by but two (2) families and so designed and arranged as to provide independent living, cooking, and sleeping accommodations for two (2) families only.

§2.51 DWELLING UNIT

One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping, bathing, and toilet facilities.

§2.52 ENTERTAINMENT ESTABLISHMENT

Any establishment (indoors or outdoors) where entertainment, either passive or active is provided for the pleasure of the patrons, either independent or in conjunction with any other use. Such entertainment includes but is not limited to vocal and instrumental music, dancing, karaoke, comedy, acting, and motion pictures. Live entertainment does not include the term adult entertainment facility or adult entertainment establishment.

§2.53 ENTERTAINMENT, LIVE

A musical, theatrical, dance, karaoke, or comedy act performed by one or more persons. Any form of dancing by patrons and guests at an eating or drinking establishment or bar is live entertainment. Live entertainment does not include the term adult entertainment facility or adult entertainment establishment.

§2.54 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 towers, poles, wires, 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.

§2.55 ESSENTIAL SERVICE STRUCTURE

A building or large structure such as an electrical substation used to provide an essential service.

§2.56 EXCAVATION

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

§2.57 FAMILY

One or more persons related by blood, marriage, adoption or guardianship living as a single housekeeping unit.

§2.58 FAMILY, FUNCTIONAL

A group of people having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, registered student organization, association, lodge, organization, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

§2.59 FENCE

A structure erected to act as a boundary marker or erected with the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel.

§2.61 TEMPORARY FENCE

A temporary structure, in any zoning district, intended to act as a boundary marker or erected with the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot parcel for a period of time not to exceed 30 days.

§2.62 FLOOD PLAIN, 100 YEAR

That area of land adjoining lake or watercourse which will be inundated by a flood with a 1% chance of occurring in any given year.

§2.63 FLOOR AREA

Floor area shall constitute the total floor area occupied by a use and measured to include all space primarily or incidentally for such use.

§2.64 FLOOR AREA, USABLE (For the purpose of computing parking)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve the patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

§2.65 FRONT BUILDING LINE

The line established by the front wall of the primary structure for the main living area of the residence, (but not including the garage), and extending to each side lot line.

§2.66 FRONT LOT LINE

In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plat or as the address of the property in question.

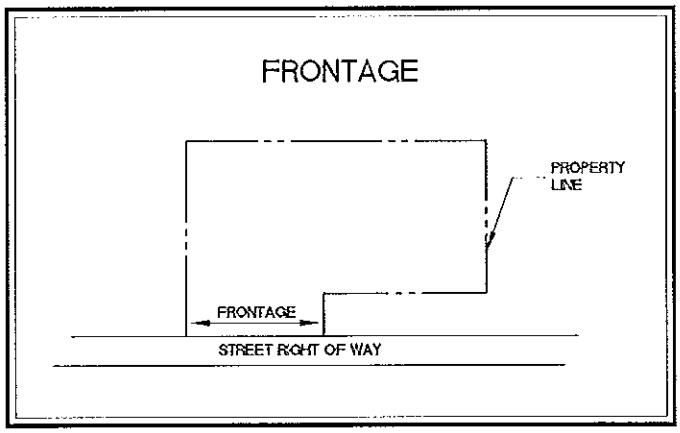
§2.67 FRONT SIDE LOT LINE

The line which extends from the front lot line to the front building line and which is established by the primary structure on the property.

§2.68 FRONTAGE

The lands and distance thereof of any lot fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and another right-of-way, waterway, end of a dead end street or city boundary, measured along the street line. (See Figure 2-5)

Figure 2-5



§2.69 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 dwelling.

§2.70 HOME OCCUPATION

An occupation conducted in a dwelling unit.

§2.71 JUNK YARD

An open 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 area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

§2.72 KENNEL

Any person who shall own or keep upon his premises four (4) or more dogs other than dogs under four (4) months of age, shall be deemed the operator of a dog kennel. It shall be unlawful to operate a dog kennel within the City of Clio without having first secured a license to operate kennel in compliance with the provisions of Article 3 §3.20 and §3.21 of the Zoning Ordinance.

§2.73 LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

§2.74 LOT

Any parcel of land, the area of which complies with requirements of this Ordinance.

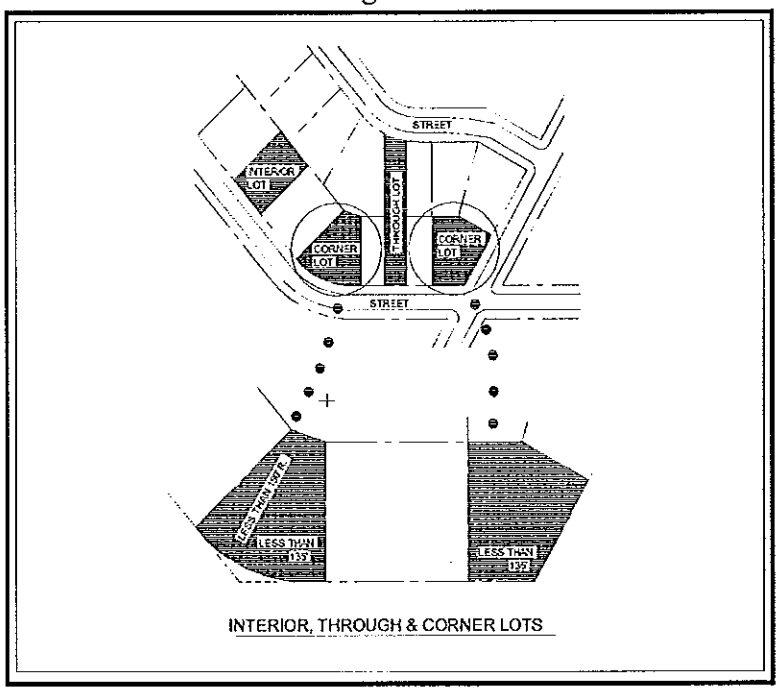
§2.75 LOT AREA

The total horizontal area within the lot lines of the lot.

§2.76 LOT, CORNER

Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curbed street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot or at the points of intersect at an interior angle of less than one hundred thirty-five (135) degrees. (See Figure 2-6)

Figure 2-6



§2.77 LOT COVERAGE

Determined by dividing that area of a lot which is occupied or covers the total horizontal projected surface of all principal and accessory structures by the gross area of the lot.

§2.78 LOT DEPTH

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

§2.79 LOT, INTERIOR

Any lot other than a corner lot.

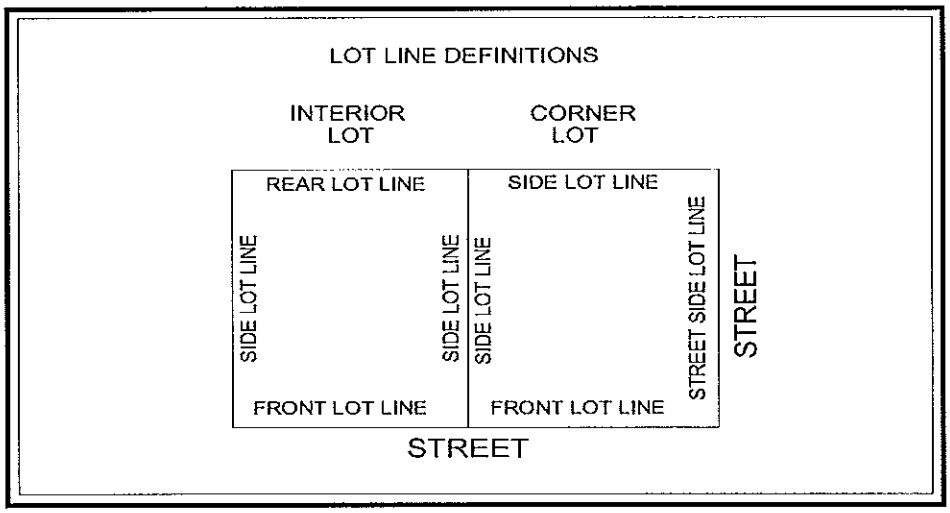
§2.80 LOT LINES

Any line bounding a lot:

A. Front Lot Line: The line separating the lot from the street; in the case of a corner lot, the line separating the narrowest side of the lot from the street. If both sides are of equal length, the front yard by the designation of the front yard on the plat or by the applicants designation at the time they apply for a zoning permit. (see Figure 2-7) In the case of a through lot, the lines separating the lot from both streets are front lot lines.

B. Rear Lot Line: The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten (10) feet long, parallel to and most distant from the front lot line. (see Figure 2-7)

Figure 2-7



C. Side Lot Line: Any line other than front or rear lot lines. (see Figure 2-7)

D. Street or Alley Lot Line: Any line separating a lot from a street or alley. (see Figure 2-7)

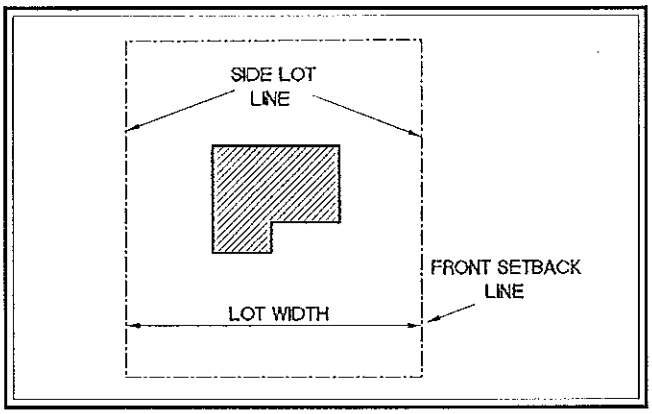
§2.81 LOT, THROUGH

Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. (See Figure 2-6)

§2.82 LOT WIDTH

The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback intersects the side lot lines. (See Figure 2-8)

Figure 2-8



§2.83 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 or more lots of record.

§2.84 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 the 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.

§2.85 MAIN BUILDING

A building in which is conducted the principal use of the lot upon which it is situated.

§2.86 MAIN USE

The principal use to which the premises are devoted and the principal purpose for which the premises exist.

§2.87 MAJOR THOROUGHFARE

An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term of the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

§2.88 MANUFACTURED HOME

A factory built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame.

§2.89 MASTER PLAN

Future Land Use Plan for the City of Clio.

§2.90 MOBILE HOME

A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, airBconditioning, and electrical systems contained in the structure, as defined in the Mobile Home Commission Act, PA 96 of 1987.

§2.91 MOBILE HOME PARK

A lot, parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home, as defined in the Mobile Home Commission Act, PA 96 of 1987.

§2.92 MODULAR HOME

A dwelling unit constructed on-site in accordance with the (state or municipal) code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

§2.93 MOTELS

Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade. 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.

§2.94 MUNICIPALITY

The City of Clio.

§2.95 NON-CONFORMING BUILDING

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

§2.96 NON-CONFORMING USE

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

§2.97 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: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibrations, (I) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of a congregation of people,

especially at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

§2.98 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.

§2.99 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.

§2.100 OPEN FRONT STORE

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

§2.101 OPEN SPACE/ON-SITE RECREATION

The sum total of the natural environment to be found in a given region, city or town. Functions include:

A. Establishment and enhancement of recreational opportunities.

B. Establishment and promotion of an orderly urban or suburban development through the preservation of the landscape.

C. Maintenance of natural processes and scenic resources through conservation.

Open space alone, or with parks and recreation activities, which provide physical and emotional outlets critical to human behavior and essential to community development.

§2.102 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 storage or parking of permitted vehicles.

§2.103 PAWN SHOPS

A place of business which offers loans to individuals using their personal property as collateral or security.

§2.104 PLANNED UNIT DEVELOPMENT

An integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions as prescribed under provisions of this Ordinance.

§2.105 PRIVACY SCREEN

A sight-obscuring structure, erected adjacent to or around, but not limited to, a patio, deck, courtyard area, swimming pool or outdoor hot tub, designed to screen, but not enclose, the area behind it or within its confines.

§2.106 PROPERTY OWNER

Person or entity who owns the land upon which a fence is erected.

§2.107 PUBLIC UTILITY

A person, firm, or corporation, municipal department, or board of commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

§2.108 REAR BUILDING LINE

The line established by the main wall of the rear of the building, extending to each side lot line.

§2.109 REAR LOT LINE

The lot line opposite the front lot line.

§2.109.5 RELIGIOUS INSTITUTION

Any building, together with its accessory buildings and uses, that is used for non-profit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term "religious institution" includes, but is not necessarily limited to, church, temple, synagogue, and mosque.

§2.110 RESTAURANTS, CONVENTIONAL

An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory Atake-out@ services.

§2.111 RESTAURANTS, DRIVE-IN

An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory Atake-out@ services. These establishments differ from conventional sit-down and drive-through restaurants because the food served to the patron is brought by foot to his/her automobile and consumed therein or may have facilities to handle walk-up customers.

§2.112 RESTAURANTS, DRIVE-THRU

An establishment serving prepared food or beverages for consumption off the premises or in some cases on premises and so developed that its principal form of service delivery is to patrons driving up in an automobile and then receiving their meal from a window in the side of the building.

§2.113 RETAIL USES WITH INDUSTRIAL CHARACTER

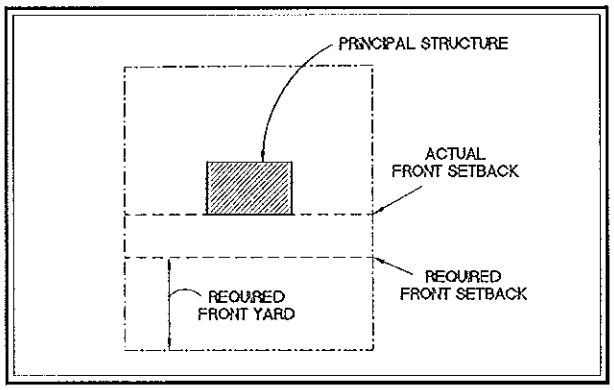
Uses such as but not limited to upholsterer, cabinet maker, outdoor sales of boats, house trailers or automobile garages, agricultural implements which have outdoor storage or other activities of an industrial character.

§2.114 SETBACK, ACTUAL

The minimum horizontal distance between the principal building, excluding steps and unenclosed porches and the lot line. In the case of a front lot line, the setback will be measured from the curb or the edge of the traveled roadway.

§2.115 SETBACK, REQUIRED

The minimum front, rear and side setbacks as required by the ordinance. In the case of a lot on a cul-de-sac or curvilinear street, the setback shall be measured from the midpoint of the lot width at the curb or the edge of the traveled roadway. (See Figure 2-9)Figure 2-9



§2.116 SEXUALLY ORIENTED BUSINESSES

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or massage parlor.

§2.117 SHOPPING CENTER

A group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.

§2.118 SIDE LOT LINE

Any lot lines other than the front lot lines or the rear lot lines.

§2.119 SIDEWALK LINE

The edge of the established sidewalk nearest the lot line.

§2.120 SIGN

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; excepting, however, the following which shall not be included within this definition:

A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

B. Flags and insignia of any government, except when displayed in connection with commercial promotion.

C. Legal notices; identification, informational; or directional signs erected or required by governmental bodies.

D. Integral decorative or architectural features of building, except letters, trademarks, moving parts or moving lights.

E. Signs pertaining to and guiding traffic and parking on private property, but bearing no advertising matter.

§2.121 SIGN AREA

The area of a sign consisting of the entire surface of any regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the

elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

§2.122 SIGN, OFF-SITE

A sign other than an on-site sign.

§2.123 SIGN, ON-SITE

A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

§2.124 STANDARD SHEET

A sheet which measures 8 2" x 11" or consists of multiples of such dimensions such that a larger sheet can be folded into such dimensions.

§2.125 STORY

That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground. (See Figure 2-1 on page 2-3)

§2.126 STREET

A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

§2.127 STRUCTURE

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

§2.128 STRUCTURE, MULTIPLE FAMILY

A dwelling containing four (4) or more dwelling units and so designed and arranged as to provide independent living, cooking, and sleeping accommodations for four (4) or more families and shall be further classified as one of the following:

A. Townhouse: A multiple family structure, or group of structures, each of which contains more than four (4) attached one family dwelling units with individual rear and/or front yards and private access to all dwelling units.

B. Garden Apartment: A multiple family structure which contains semi-private access to dwelling units in which no more than four (4) such units have access from a single hallway on a given floor, and which contain three (3) or less floors.

C. Apartment - Low Rise: A multiple family structure which has access to more than four (4) dwelling units from a single hallway on a given floor, and which contains three (3) or fewer floors.

D. Apartment - High Rise: A multiple family dwelling which has more than three (3) floors.

§2.129 STRUCTURE, TWO-FAMILY RESIDENTIAL

A dwelling occupied by but two (2) families and so designed and arranged as to provide independent living, cooking, and sleeping accommodations for two (2) families only.

§2.130 STRUCTURE, THREE-FAMILY RESIDENTIAL

A dwelling occupied by but three (3) families and so designed and arranged as to provide independent living, cooking, and sleeping accommodations for three (3) families only.

§2.131 TATTOO PARLORS

Also referred to as a tattoo shop, tattoo studio, or tattoo parlor operated for the purpose of applying permanent tattoos (dermal pigmentation) and/or body piercing to clients for a fee.

§2.132 TEMPORARY BUILDINGS OR STRUCTURES

A building or structure permitted by procedures established in this Ordinance, to exist during a specified period of time.

§2.133 TEMPORARY OUTDOOR USE

A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

§2.134 TRAVEL TRAILER

A portable vehicular unit primarily designed for travel and/or recreational use, which may also contain facilities for overnight lodging, but which does not exceed the legal limit established in the motor vehicle code. This term also includes folding campers and truck-mounted campers, but not mobile homes.

§2.135 TRAVEL TRAILER PARK

A park licensed under the provisions of the Trailer Coach Park Act of 1959, being Act 243, Public Acts of 1959, as amended, and being designed specifically to permit the parking of travel trailers.

§2.136 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.

§2.137 VARIANCE

An authorization permitting change in the requirements of this ordinance by the Zoning Board of Appeals in cases where the general requirements of this ordinance and the literal enforcement of such would result in a practical difficulty upon the variance applicant.

§2.138 WIRELESS COMMUNICATION FACILITIES

All facilities, structural, attached, or accessory, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and includes telephone devices and exchanges, microwave relay towers, radio frequency spectrum, but excluding radio and television towers. This definition includes support structures.

§2.139 YARDS

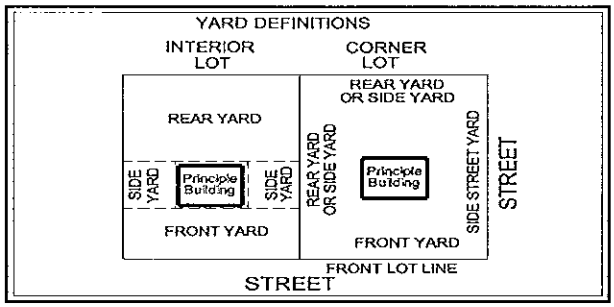
The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

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 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.

Figure 2-10



§2.140 ZONING ADMINISTRATOR AND/OR CODE ENFORCEMENT OFFICER

That person or persons duly charged by the appropriate appointing authority with the responsibility for executing and administering this Ordinance.

§2.141 ZONING BOARD OF APPEALS

The Board of Appeals as provided under provisions of the City and Village Zoning Act, being Act 207, Public Acts of 1943, as amended, with powers and duties as defined in those statutes, except as modified herein.

§2.142 ZONING PERMIT

Written verification from the City Zoning Administrator or their designee, that a proposed land use, new construction, addition, or excavation or grading of property complies with the terms of this ordinance. The instances where a zoning permit is required are outlined in Section 15.01B.