



Sec. 94-5. - Definitions and interpretation of terms.

For the purpose of this chapter, unless clearly otherwise required by the context, words used in the present tense include the future; words in the singular number include the plural and the words in the plural number include the singular; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. Any words not defined in this section shall be construed, if applicable, as defined in the Housing Law of Michigan, Act No. 167 of the Public Acts of Michigan of 1917. Except as otherwise provided in this chapter, the terms and words in this chapter are defined as follows:

*Abutting, adjoining, or contiguous*, means as follows: "Abutting" means to reach, to touch, or to join at a border or boundary; and "adjoining" and "contiguous" have the same meaning, as distinguished from "adjacent" which as used in this chapter means lying near but not necessarily abutting, adjoining or contiguous.

*Accessory building* means a separate building or structure on the same premises with a main building or structure, or attached as an integral part of the main building or structure, occupied or devoted to an accessory use.

*Accessory use* means the use of the same lot with and of a nature customarily incidental and subordinate to the main use of the premises.

*Adult foster care camp* means an adult foster care facility with the approved capacity to receive more than four adults to be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.

*Adult foster care congregate facility* means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

*Adult foster care facility* means a facility defined as an "adult foster care facility" by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An "adult foster care facility" includes facilities and foster care family homes for adults who are aged, mentally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

*Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

*Adult foster care large home* means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

*Adult foster care small group home* means an adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

*Agriculture* means the commercial cultivation, tilling or use of land for the purpose of growing and storing crops thereon, or of animal or poultry husbandry.

*Alley* means a public or private drive which is intended only to provide supplemental access to a lot. An alley is not a part of the certified street system as a "public street."

*Animal hospital* means a building or structure which has as its primary function and purpose the care, treatment and rehabilitation of household pets and domestic animals, and may also include the temporary indoor boarding of such animals. "Animal hospital" does not include a "kennel" or any facility which has outdoor cages or runs for animals.

*Artisanal manufacturing* means a use conducted for the production of tangible goods by skilled craft persons usually involving workers who practice a trade or handicraft and produces unique products often using traditional methods involving the use of hand tools and small-scale, light mechanical equipment (e.g., art, crafts, software products, music, and games).

*Automobile repair, major*, means any activity involving the general repairs, rebuilding or reconditioning of engines, motor vehicles or trailers; wrecker service with storage of vehicles included; collision servicing, including body, frame and fender straightening or repair; overall painting or paint shop; or vehicle steam cleaning.

*Automobile repair, minor*, means any activity involving minor automotive repairs to passenger vehicles and commercial vehicles not exceeding 1½-ton capacity service without storage of vehicles, and in no case including any operation specified under "automobile repair, major."

*Automobile service station or filling station* means a place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for retail sale to the public and delivered directly into motor vehicles and where there is a retail sale of accessories, where greasing, oiling and light motor service, not including activities defined as "automobile repair, major," is carried on. Permissible uses do not include the storage of automobiles not in operating condition or work involving noise, glare, fumes or smoke greater than normally found in automobile service stations. A service station is not a repair garage or a body shop.

*Backyard Chickens* means a specific type of domestic animal (chicken) that is housed and cared for by residents in a non-farm and non-commercial setting for providing fresh eggs for personal consumption. Backyard chickens excludes other poultry and other egg-producing birds or animals. Backyard chickens are subject to the standards contained herein in section 94-359.

*Bar/night club* means premises licensed to sell alcoholic beverages by the drink for on-site consumption. Subject to state law and other requirements of this Code, the sale of food, packaged alcohol (for either on-site or off-site consumption), dancing and live entertainment may be allowed as accessory uses.

*Basement* means a story of a building having any part of one or more of its exterior walls located below the average finished grade. For purposes of this definition, "average finished grade" means the average level of the top of the ground resting against all exterior walls after construction of the building is completed.

*Billboard* means a freestanding sign which:

- (1) Has a minimum sign area of 100 square feet;
- (2) Does not offer to sell or lease the premises on which it is located;
- (3) Does not identify the owner or occupant of the premises and/or his trade or profession;
- (4) Does not relate to the sale of products on the premises or services performed by the occupant thereof; and
- (5) Is not owned or located by the government of the United States, or any state or subdivision thereof, or any public official acting in his official capacity.

*Board or board of appeals* means the board of zoning appeals established by this chapter.

*Buildable area* means the portion of a lot remaining after required yards have been provided.

*Building height* means the vertical distance measured from the established grade to the highest point of the roof's surface for flat roofs, to the decline for mansard roofs, and to the average height between the eaves and the ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, height may be measured from the average ground level of the grade at the building wall.

*Car wash* means any commercial place or premises open to the public, and used for cleaning or washing of the interior or exterior of an automobile, for a charge or fee, using either a mechanized or manual (self-serve) process. A "car wash" does not include a facility used for washing or cleaning vehicles larger than a regularly manufactured pickup or panel truck of one and one-half ton capacity.

*Catering office and production center* means an enclosed space or spaces devoted to recipe research, development, production and service of foods to be consumed off premises.

*Cesspool* means a cavity in the ground which receives human excrement and domestic wastes to be partially absorbed directly by the surrounding soil.

*Child care center or day care center* means 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 that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care 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 any of the following:

- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
- (2) A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

*Child care facility* means a governmental or nongovernmental facility having as its principal function the receiving of minor children for care, maintenance, training and supervision, notwithstanding that educational instruction may be given. For purposes of this section, the term "child care facility" includes "child caring institutions," "child placing agencies," "children's camps," "child care centers," "day care centers," "foster family homes," "foster family group homes," "family day care homes" or "group day care homes" "nursery schools," and "parent cooperative preschools," as those terms are defined by the child care organizations act, Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq.), as amended, and which are licensed or registered by the state as required under that act.

*Child caring institution* means a child care facility, other than a private residence, as defined by the child care organizations act, Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq.), as amended, that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the institution for that purpose, and operates throughout the year.

*Child placing agency* means an organization or agency (not located in a private residence) as defined by the child care organizations act, Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq.), as amended, with the purpose of receiving children for their placement in private family homes for foster care or for adoption.

*Children's camp* means a residential, day, troop or travel camp conducted in a natural environment for more than four school age children, apart from their parents, relatives or legal guardians, for five or more days in a 14-day period. A children's camp provides care and supervision for the same group of children for usually not more than 12 weeks.

*Commercial special event sign* shall mean a sign intended to be displayed for a limited period of time, meant for advertising an on-site business, service or items for sale, and which is not permanently attached to a building wall or to the ground. Commercial special event signs include the following types of signs:

- (1) *Pedestrian sign* means a sign held or worn by a person standing, walking or otherwise located outdoors on either public or private property, for the purpose of displaying the sign to passing motorists or pedestrians on a nearby public road or sidewalk, and calling attention to a business, product, service or event.
- (2) *Portable manual reader board sign* means a sign that is intended to be moved from place to place and used to display a manually-assembled letter message, which is often enhanced with internal or external light bulbs.
- (3) *Inflatable sign* means a sign that is portable and is filled or captures compressed air or another gas.
- (4) *Flag and streamer sign* means a sign that is portable and intended to be blown in the wind.
- (5) *Banner sign* means a sign that is flexible, portable and affixed to the ground, a building or other structure via wire, posts, string or similar material.
- (6) *Yard sign* means a sign that is rigid, portable and affixed to the ground via wire, posts or other similar material. Sometimes called a "corrugated plastic sign".

*Community center* means premises used for noncommercial recreational, social, educational or cultural activities open to the public or a designated part of the public.

*Community special event sign* means a sign intended to be displayed for a limited time for the purpose of calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other community organizations.

*Contractor sign* means a temporary sign intended to be displayed for a limited time that identifies an on-site builder, landscaper, architect or other tradesperson.

*Contractor's shop* means an enclosed space or enclosed spaces used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area.

*Cul-de-sac* means a street way or alley, either public or private, open only at one end.

*Day care center.* See "child care center."

*Digital billboard* means a billboard that consists of, or has a portion comprised of, a computer or playback device connected to a digital screen that utilizes digital, LCD, LED, plasma or similar technology to change images on the sign face. Digital billboards can be controlled remotely and display electronic images that have the potential to change without the necessity of physically or mechanically replacing the sign face or its components.

*Domestic animals* means animals which are customarily domesticated by man to live and breed in a tame condition, other than household pets. Domestic animals include such animals as horses, cattle, hogs, sheep, goats and poultry.

*Drive-in restaurant or refreshment stand* means any place or premises used for the sale, dispensing or serving of food, refreshments or beverages to customers (i) in automobiles where it is intended or is common practice for such food, refreshments or beverages to be consumed in the automobile while parked upon the restaurant or refreshment stand premises; or (ii) where such customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises outside the building. Restaurants which supply indoor seating capacity for a minimum of 40 customers and also utilize a drive-up window where customers, while remaining in their automobiles, place orders and/or receive food, refreshments or beverages intended for consumption off the premises shall not be considered drive-in restaurants.

*Dwelling, mobile home* means a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels (whether or not such wheels have been removed) complete and ready for occupancy upon arriving at the site where it is to be located except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

*Dwelling, multiple-family*, means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

*Dwelling, single-family*, means a detached residential dwelling unit designed for and occupied by one family only.

*Dwelling, two-family*, means a detached residential building containing two dwelling units, designed for occupancy by not more than two families.

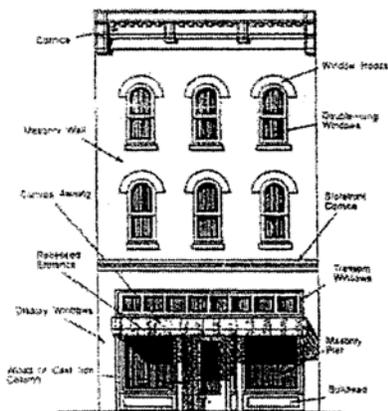
*Dwelling unit* means a room, or rooms connected together, constituting a separate, independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities.

*Entrance ramp* means a roadway connecting a feeder road with a limited access highway and used only for access to such limited access highway.

*Essential services* means and includes the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, sewers, communication systems, including mains, drains, pipes, conduits, wires, cables, fire alarm boxes, police callboxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, but not including buildings except those reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. Notwithstanding the foregoing, essential services shall not include wireless telecommunications towers or antennas as provided for in section 94-355 of this chapter.

*Exit ramp* means a roadway connecting a limited access highway with a feeder road.

*Facade* means any exterior wall of a building that faces and is visible from a public or private street, a freeway, a parking lot or area serving the premises on which the building is located, or an adjoining residential zoning district or residential use, except as otherwise provided in subsection 94-357(b)(6) for industrial buildings.



## Traditional Facade

*Family* means a person living alone in a single dwelling unit or two or more persons whose domestic relationship is of a continuing, nontransient character and who reside together as a single housekeeping unit in one dwelling unit. "Family" does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

*Family day care home* means a private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 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. Family

day care home includes homes that given care to an unrelated minor child for more than four weeks during a calendar year. Any outdoor play areas required by the state for a family day care home must be located in the rear yard.

*Feeder road* means a street or road intersecting on the same plane with a limited access highway or having traffic interchange facilities with such limited access highway.

*Fence* means an enclosure or barrier used as a boundary, means of protection, privacy screening, or confinement, composed of materials other than hedges, screen plantings, or other planted landscaping materials.

*Fitness center and health club* means a facility where individuals use equipment or space for the purpose of physical exercise.

*Foster care* means the provision of "supervision," "personal care" and "protection," as those terms are defined by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq., MSA 16.610(51) et seq.), as amended, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

*Foster family home* means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

*Foster family group home* means private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

*Freestanding sign* means a sign or signboard supported by poles, braces, frames or similar devices, having a permanent foundation in the ground. This definition shall not be construed to include a sign or signboard affixed, in whole or in part, to a building.

*Freeway* means the right-of-way of U.S. 131 and the right-of-way of I-96 within the city.

*Garage, private*, means a detached accessory building or a compartment of a residential dwelling used for noncommercial storage of passenger vehicles or not more than one truck of a rated capacity not exceeding 1½ tons, or both. An unenclosed or partially enclosed structure commonly called a carport shall not be considered a garage.

*Garage, public*, means a building other than a private garage used for the purpose of parking, storing, repairing or equipping motor vehicles therein as a commercial use.

*Government research, testing and development laboratories* means research, development and testing laboratories and offices, without manufacturing, owned and operated by a federal, state, county, or municipal government.

*Group day care home* means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 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. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

*Home occupation* means an occupation conducted in a dwelling unit, provided that:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one nonilluminated sign, not

exceeding six square feet in area, and mounted flat against the wall of the principal building. The sign must match the exterior color of the house or be earth tone in color.

- (4) The aggregate sign area on the premises shall comply with section 94-409.
- (5) No home occupation shall be conducted in an accessory building;
- (6) There shall be no sales from the premises in connection with such home occupation;
- (7) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; and
- (8) No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

*Household pet* means an animal such as a dog, cat, fish or bird, customarily kept within the residential living quarters for the pleasure of the occupants of a dwelling and not for sale or commercial purposes.

*Housing for the elderly* means a residential facility that provides room, board and supervised personal care to unrelated, nontransient individuals 60 years of age or older, licensed as a "home for the aged" by the state department of public health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15(20101)), as amended.

*Independent living facility* means a residential facility not subject to license or registration by the state, but that is eligible for public financial assistance under state or federal laws, having as its principal purpose the provision of barrier-free housing for individuals with permanent physical disabilities due to injury, disease or age, which result in functional limitations in major life activities, including disabilities which cause a person to use a wheelchair; cause a person to walk with difficulty or insecurity; affect sight or hearing to the extent that a person is insecure or exposed to danger; or cause impaired mobility, flexibility, coordination or perceptiveness. "Independent living facilities" shall include architectural design features which eliminate the type of barriers and hindrances that deter physically disabled persons from having access to and free mobility in and around the facility, and shall be specifically and primarily intended, designed, operated and located to allow its physically disabled occupants increased opportunities to function independently in the community.

*Junk* means any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

*Junkyard* means any area of more than 200 square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof as a commercial use.

*Kenel* means a building or structure which has as its primary function and purpose the board of household pets on a temporary basis and may include indoor or outdoor cages or runs for such household pets. "Kenel" shall not include establishments used for the sale of household pets.

*Limited access highway* means a highway, street or roadway with respect to which the owners or occupants of abutting lands and other persons have no legal right of access to or from such highway, street or roadway except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

*Liquor store/party store/convenience store* means a commercial retail use where the majority of the gross income of the business is from the sale of alcoholic beverages. Such uses must be operated with an SDD and/or SDM license, or similar off-premises liquor license, from the state.

*Loading space, offstreet*, means 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 offstreet parking spaces are filled. Required offstreet loading space is not to be included as offstreet parking space in the computation of required offstreet parking space.

*Lot* means a parcel of land which is contiguous to an improved public street (or a private street approved in connection with a site condominium development) for an uninterrupted distance at least equal to the applicable minimum required lot width (as provided by section 94-188), which has sufficient size to meet the other applicable minimum zoning requirements for use, coverage, area, yards, and other open spaces and which provides convenient access for servicing and fire protection. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual lot or parcel which does not meet the requirements of this chapter:

- (1) A platted lot, or a portion of a platted lot.
- (2) A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds.
- (3) A "building site" as defined by section 94-307 in connection with a site condominium development project.

*Lot frontage, street frontage and frontage* mean the borders or boundaries of a lot or a parcel of land which abut an improved public street (or a private street approved in connection with a site condominium development).

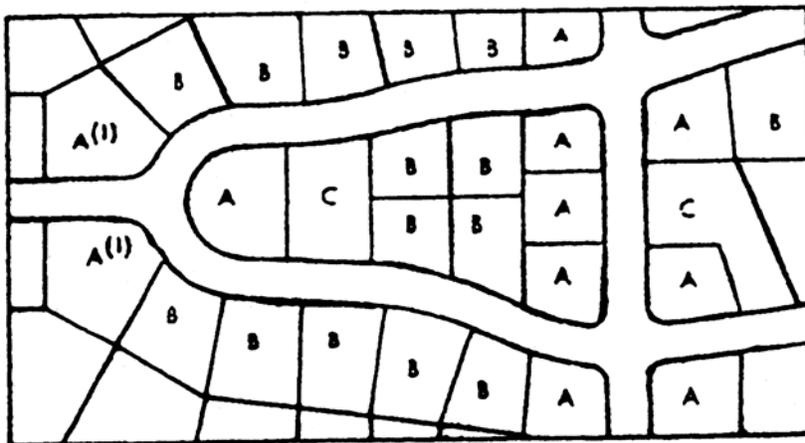


Figure 1: Lot Types

*Lot types.* The diagram (Figure 1[: Lot Types]) which follows illustrates terminology used in this chapter with reference to "corner lots," "interior lots," and "through lots":

In the diagram, "A" indicates a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A (1) in the diagram.

"B" indicates an interior lot, defined as a lot other than a corner lot with only one frontage on a street.

"C" indicates a through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

*Major recreation, commercial indoor* means a commercial recreational land use conducted entirely within a building and occupying greater than 5,000 square feet or greater of gross floor area, including by way of example a court or rink sport facility, indoor paintball facility, arcade, maze, obstacle course, jungle gym, rock climbing and adventure sport facility, trampoline park, laser tag facility, bumper car facility, art center, bowling alley, billiard hall, and similar activities.

*Marginal access road* means a service roadway which provides access to abutting properties and protection from through traffic.

*Mechanical billboard* means a billboard that uses rotating panels, slats, blades, or the equivalent to change images at regular or irregular intervals. Tri-vision billboards are a type of mechanical billboard. A digital billboard is not a mechanical billboard.

*Medical marihuana dispensary* [means] Any business, facility, association, cooperative, firm business, location, or operation, whether fixed or mobile, where medical marihuana (also commonly known as marijuana or cannabis) is made available to, sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

- (1) A primary caregiver (i.e., a person who is at least 21 years old and who has agreed to assist with a qualifying patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs, as provided for and authorized pursuant to Michigan Initiated Law 1 of the Public Acts of 2008, as amended).
- (2) A qualifying patient (i.e., a person who has been diagnosed by a physician as having a debilitating medical condition, as provided for and authorized pursuant to Michigan Initiated Law 1 of 2008, as amended).
- (3) Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed by three or more persons at one time.

A medical marihuana dispensary shall not be deemed to include (i) a qualifying patient's medical use of marihuana in strict compliance with Michigan Initiated Law 1 of 2008, as amended, and all applicable state and local laws, (ii) the dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualified patients in strict compliance with Michigan Initiated Law 1 of 2008, as amended, and all applicable state and local laws, or (iii) any other action taken or permitted in strict compliance with Michigan Initiated Law 1 of 2008, as amended and all applicable state and local laws.

*Mezzanine* means an intermediate floor in any story occupying not to exceed one-third of the floor area of such story.

*Mineral mining* means the excavation and removal of peat, gravel, sand, clay, or other soils, including overburden, or the separation and transporting of those materials on a mining site, or the reclamation of the site after removal or excavation of materials. However, the following excavation activities are not included within the definition of mineral mining:

- (1) Excavation approved by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
- (2) Excavation which by its nature is of limited scope and duration and which is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, septic tanks, swimming pools, graves, and similar limited excavations.
- (3) Excavation in conjunction with farming operations in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds, if no material is removed from the property.

- (4) Other excavations determined similar by the board of zoning appeals because of the type of excavation involved or the limited scope and duration of the excavation and if no material is removed from the property.

*Mineral processing and material storage* means the processing and/or storage of peat, gravel, sand, clay, concrete, asphalt, wood, or other similar minerals or materials. For purposes of this definition, "processing" includes, but is not limited to, crushing, dissolving, breaking up, pulverizing, grinding, shredding, mixing, combining, and other similar operations. Mineral processing and material storage does not include mineral mining as defined in this section.

*Minor recreation, commercial indoor* means a commercial recreational land use conducted entirely within a building and occupying less than 5,000 square feet of gross floor area, including by way of example a court or rink sport facility, indoor paintball facility, arcade, maze, obstacle course, jungle gym, rock climbing and adventure sport facility, trampoline park, laser tag facility, bumper car facility, art center, bowling alley, billiard hall, and similar activities.

*Mobile food vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a food service establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food or beverages, such as a t-shirt that bears the name of the organization engaged in mobile food vending.

*Mobile food vendor* shall mean any person engaged in the business of mobile food vending; if more than one person is operating a single stand, vehicle, cart or other means of conveyance, then vendor shall mean all persons operating such single stand, vehicle, cart or other means of conveyance.

*Motel or motor hotel* means a building or buildings providing lodging for transients with motor vehicle parking in an area contiguous to the building.

*Movie studio* means a facility for the production of motion pictures, television entertainment, music and music-video entertainment, and similar products. A movie studio may include, but is not limited to, soundstages, sets, cafeterias, production studios, research and development operations and training and education areas. On-site housing of personnel and talent is allowed as an accessory use, subject to state law and other requirements of this Code.

*Nonconforming structure* means a structure lawfully existing at the time of the adoption of this chapter or any amendment thereto which does not conform to the regulations of the zoned district in which it is located.

*Nonconforming use* means a use which was lawfully made of a structure or land at the time of the adoption of this chapter or any amendment thereto and which does not conform with the regulations of the zoned district in which it is located.

*Nursing home* means a nursing care facility licensed as a "nursing home" by the state department of public health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq.), as amended. A "nursing home" as defined by this section shall include "extended care facility" and "convalescent home."

*Official signs* means signs owned, leased, constructed or located by the United States government, the state or any of its political subdivisions or municipalities for the purpose of providing directional traffic control, lodging, service, historic or other information to the general public and signs required by any court or statute.

*One-family or single-family residence* means a building designed for or occupied exclusively by one family.

*Online auction operations* means a site of a business that conducts public auctions via the internet to sell new, used or repossessed vehicles, furniture, electronic equipment, appliances or similar items. The items being auctioned are stored on the site until purchased. Items being stored on the site shall not be displayed for sale.

*Onsite solar energy systems* means an accessory use on a lot for the purpose of generating electricity by means of a solar collector or other solar energy device or a structural design feature

mounted on a building or on the ground with the primary purpose of collecting, storing and distributing the electricity.

*Outdoor recreation, commercial* means commercial recreational land uses conducted outside of a building which do not require major site modification, including by way of example outdoor paintball facilities, adventure parks with features such as zip lines, rope climbing and high ropes features, orienteering, laser tag, and similar activities.

*Parking space, off-street* means, for the purposes of this chapter, an off-street parking space shall consist of the space designed or used for parking a vehicle which is not located within the public streets or rights-of-way.

*Political sign* means a sign intended to be displayed for a limited time and communicates an upcoming election, ballot or noncommercial message.

*Private home* means a private residence as defined by the child care organizations act, Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.11 et seq.) as amended, in which a child care facility licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home, as defined by this section.

*Reader board* means an accessory component of an approved on-site sign which displays a changeable message or image using manually-placed letters, text or images.

*Realtor sign* means a sign intended to be displayed for a limited period of time which offers real property or building for sale, rent or lease.

*Recycling/composting operations* means a business that receives, stores and processes waste products and organic materials. These products and materials are often transformed into new and different products via mechanical, organic or physical processes. This operation shall not be confused with the uses mineral processing and material storage or junkyard as defined herein.

*Residential zoning district or residential district* means an A, A-2, SA, 5, PA, ARM, ARM district one, RMT, RPUD-1, or RPUD-2 district.

*Restaurant* means an establishment where food and drink are prepared, served and consumed on-site or as take-out. Drive-up windows and outside seating are allowed as accessory uses, subject to other requirements of this Code.

*Satellite dish antenna* means an apparatus capable of receiving communications from a transmitter or transmitter relay located in planetary orbit.

*Seepage pit* means a dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septic tank.

*Self-storage, exterior access* means a building or group of buildings consisting of individual, self-contained units leased or licensed for self-service storage of personal property which allows access to each individual unit via exterior doors and is not temperature controlled.

*Self-storage, interior access* means a building or group of buildings consisting of individual, self-contained units leased or licensed for self-service storage of personal property which allows access to each individual unit via interior doors and is temperature controlled.

*Septic tank* means a septic toilet, chemical closet, and any other watertight enclosure used for storage and decomposition of human excrement and domestic wastes.

*Short-term outdoor camping event* means the use of tents or other temporary structures maintained as a temporary living quarter for recreation, education, religious or vacation purposes for not more than three consecutive nights.

*Sign* means any drawing, message, placard, poster or device designed to inform or attract the attention of persons; provided, however, that the following shall not be included in the application of the regulations in this chapter:

- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, name of occupants of premises, or other identification of premises not having commercial connotations.
- (2) Flags and insignia of any government except when displayed in connection with a commercial promotion.
- (3) Official signs and legal notices.
- (4) Integral decorative or architectural features of buildings except letters, trademarks, moving parts or moving lights.

*Signage:*

*Canopy/awning/marquee sign* means a sign that is mounted on, painted on, attached to or imbedded within a canopy, awning or marquee.

*Community entrance sign* means a ground-mounted sign with the sole purpose of displaying the name of the associated residential development. Background artwork is an accepted component of a community entrance sign.

*Directional sign* means signs limited to directional messages, principally for vehicular or pedestrian traffic, such as "drive thru" "entrance" or "exit."

*Electronic reader board* means an accessory component of an approved on-site sign not exceeding 50 percent of the total sign area that uses digital or similar electronic technology to display a changeable message or image.

*Freestanding/pylon sign* means any sign that is mounted on a freestanding pole or other support.

*Ground-mounted sign* means signs, not including freestanding/pylon signs, in which the entire bottom of the sign is in contact with or is close to the ground and is independent of any other structure.

*Wall-mounted sign* means signs fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

*Single ownership* means a lot which is in separate and distinct ownership from adjacent lots when such adjacent lots are not at the applicable date owned by the same owner or the same owner in joint tenancy, tenancy in common or tenancy by the entireties with any other persons and where such adjacent lots are not owned by the same owner or by any person with whom he may be engaged in a partnership or joint venture or a corporation in which he owns more than 50 percent of the stock issued and outstanding.

*Small animal clinic* means a building or structure which provides for the medical treatment and care of household pets only and may include temporary indoor boarding of household pets limited to the duration of the treatment. A "small animal clinic" does not include an animal hospital or kennel, or any use which has outdoor cages or runs.

*Special exception use* means a use or structure which, because of its unique characteristics, requires individual review and approval by the planning commission to ensure compatibility with the character of the surrounding area, the adjacent uses of land, the natural environment, the capacities of public services and facilities, and the public health, safety and welfare. Special exception uses may be permitted only in those zoning districts as expressly provided by this chapter.

*State licensed residential facility (six or fewer persons)* means a structure constructed for residential purposes that is licensed by the state pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., as amended), which provides resident services or care for six or fewer persons under 24-hour supervision for persons in need of that supervision or care. A "state licensed residential facility (six or less persons)" as defined by this

section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

*Story* means that part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor or, if there is no floor above, the ceiling next above.

*Story, half* means an uppermost story lying under a sloping roof, the usable floor area of which does not exceed 75 percent of the floor area of the story immediately below and which is not used or designed or intended to be used as an independent housekeeping unit or dwelling.

*Structural changes or alterations* means any change in the supporting members of a structure, such as bearing walls, columns, beams or girders or any substantial change in the roof.

*Structure* means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

*Temporary construction site sign* means a sign or signboard, either freestanding or affixed to a building, which is placed on the site of a development project for a limited period of time and which conveys information specifically related to the ownership, location, design, financing or construction of the project. A temporary construction site sign shall include only the following items of information:

- (1) The name and site address of the project.
- (2) The name, address and telephone number of the owner or developer of the project.
- (3) The name, address and telephone number of the institutions or agencies which have provided financing for the project.
- (4) The name, address and telephone number of the architects, engineers or contractors connected with the work under construction on the site.
- (5) The type of development, including the number of units, square footage and dates when the project will be available for occupancy.
- (6) A depiction of the development plat or of the layout of proposed lots within the development.
- (7) Other similar items of information that are specifically related to the ownership, location, design, financing or construction of the development project.

*Temporary portable construction building* means an occupied temporary portable unit for office use that is designated to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels, which is used for activities related to current construction activities or the future use of the lot on which it is located.

*Temporary portable leasing office building* means a temporary portable construction building that is specifically used as a space for marketing, promoting and selling leases for rental units currently under construction on the lot on which it is located.

*Temporary use* means a use which by its nature is established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

*Two-family residence* means a building primarily designed for or occupied by two families.

*Unique use* means a use or structure which is similar to a special exception use, but which may be permitted in any zone district within the city upon approval of the planning commission and which may have the potential to affect a greater surrounding land area than a normal special exception use. Because of their unique characteristics, unique uses require individual review and approval by the planning commission to ensure compatibility with the character of the surrounding area, the adjacent uses of land, the natural environment, the capacities of public services and facilities, and the public health, safety and welfare. Unique uses may be permitted only as expressly provided for by article XVII, and in accordance with the standards and requirements of article IX of this chapter.

*Yard* means an open space on a lot, unoccupied and unobstructed except as specifically permitted by this chapter.

*Yard, front* means the minimum distance between the principal building, excluding steps and unenclosed porches, and the nearest edge of the street right-of-way, extending for the full width of the lot and unoccupied between the principal building and the nearest edge of the street right-of-way, except as permitted by this chapter. A lot which abuts two or more improved public streets (such as a corner lot or a through lot) may have more than one front yard, except in those districts where a side yard abutting a street is specifically permitted under less stringent requirements than those required for a front yard, and subject to the requirements of section 94-354.

*Yard, rear* means the minimum distance between the rear lot line and the rear line of the principal building, extending for the full width of the lot and unoccupied except for that area occupied by a permitted accessory building.

*Yard, side* means an open unoccupied space on the same lot with the building extending between the building and the side lot line from the front yard to the rear yard. In the case of through lots, side yards extend from the rear lines of the required front yards.

(Ord. No. 72-164, 2-22-72; Ord. No. 72-168, 4-20-72; Ord. No. 75-213, 2-25-75; Ord. No. 77-239, §§ 3, 4, 7-12-77; Ord. No. 79-266, § 1, 8-28-79; Ord. No. 80-278, §§ 1, 2, 6-24-80; Ord. No. 83-314, §§ 3, 4, 10-11-83; Ord. No. 83-315, §§ 2—4, 11-8-83; Ord. No. 84-319, § 2, 1-13-84; Ord. No. 85-321, §§ 2—4, 4-9-85; Ord. No. 85-322, § 1, 4-9-85; Ord. No. 86-340, §§ 1, 2, 8-12-86; Ord. No. 86-343, § 4, 10-28-86; Ord. No. 87-353, §§ 2, 3, 10-13-87; Ord. No. 87-354, § 1, 10-13-87; Ord. No. 88-361, §§ 1, 7, 6-14-88; Ord. No. 88-367, §§ 40, 41, 1-10-89; Ord. No. 88-368, § 1, 1-10-89; Ord. No. 88-369, § 2, 1-10-89; Ord. No. 91-392, §§ 9—11, 3-12-91; Ord. No. 91-395, § 9, 8-13-91; Ord. No. 92-408, § 2, 5-12-92; Ord. No. 93-421, § 3, 7-13-93; Ord. No. 94-456, § 1, 12-13-94; Ord. No. 96-478, § 2, 2-13-96; Ord. No. 96-479, §§ 1, 2, 2-13-96; Ord. No. 95-491, §§ 1—3, 10-28-96; Ord. No. 97-499, § 1, 9-8-97; Ord. No. 97-500, § 1, 9-8-97; Ord. No. 97-503, § 1, 10-13-97; Ord. No. 98-513, §§ 1, 2, 4-13-98; Ord. No. 98-523, § 1, 6-8-98; Ord. No. 03-502, §§ 1, 2, 7-14-03; Ord. No. 06-547, § 1, 8-28-06; Ord. No. 07-551, § 1, 7-9-07; Ord. No. 08-558, §§ 1, 2, 7-14-08; Ord. No. 09-571, § 1, 4-13-09; Ord. No. 10-579, § 3, 3-8-10; Ord. No. 10-588, § 1, 10-11-10; Ord. No. 11-595, § 7, 3-28-11; Ord. No. 11-602, § 3, 9-26-11; Ord. No. 11-603, § 1, 9-26-11 ; [Ord. No. 12-610, § 1, 9-29-12](#) ; Ord. No. [17-635](#), § 1, 7-10-17; Ord. No. [17-636](#), § 1, 7-10-17; Ord. No. [17-638](#), § 1, 7-10-17; Ord. No. [18-641](#), § 1, 4-23-18; [Ord. No. 19-651](#), § 1, 7-6-19; [Ord. No. 19-653](#), § 2, 11-25-19)