

## **SECTION 2 DEFINITIONS**

**ABOVE-GROUND/ON GROUND POOL:** (see swimming pool)

**ABUTTING (LOT OR PARCEL):** A lot or parcel which shares a common border with the subject lot or parcel.

**ACRE:** An area of land, measured across a horizontal plane, containing 43,560 square feet.

**ACCESSORY BUILDING OR STRUCTURE:** Any building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

**ACCESSORY USE:** A use, customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**AGRICULTURE:** The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this ordinance.

**AGRICULTURAL SERVICE ESTABLISHMENT:** Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to whole sale and retail markets (such as grain cleaning and shelling, sorting, grading, and packing of fruits and vegetables for the grower, and agricultural products milling and processing) the storage and sale of seed, feed, fertilizer and other products essential to agricultural production, hay baling and threshing crop dusting, fruit picking, harvesting and tilling ; veterinary services, and facilities used in the research and testing of farm products and techniques.

**ALLEY:** A public way which affords only secondary access to abutting property, not a street as herein defined.

**ALTERATION:** Any change, addition or modification in construction or type of occupancy, or use, any change in structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

**APARTMENT BUILDING:** One of a group of two or more dwelling units in a single structure.

**ARCADE:** Any establishment which provides on its premises six (6) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

**ASSISTED LIVING:** Is a dwelling unit, where the furnishing of medical care, nursing, housekeeping, personal care and /or meals are available to the occupant.

**ATTORNEY:** An individual licensed to practice law.

**AUTOMOBILE AND RECREATIONAL VEHICLE REPAIR SHOP:** An establishment providing auto and recreational vehicle repair services.

**AUTOMOBILE STORAGE, DAMAGED:** Any storage of inoperable vehicles not incidental to a public garage

**AUTOMOBILE, TRAILER, OR RECREATIONAL VEHICLE SALES AREA:** Any space used for display, sale or rental of motor vehicles or trailers, in new or used operable condition.

**BARRIER:** A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

**BASEMENT OR CELLAR:** A level of a building having more than one-half of its height below grade.

**BED AND BREAKFAST:** A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only.

**BERM:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

**BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals or personal property, or carrying on business activities.

**BUILDING HEIGHT:** The vertical distance measured from the average grade to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof.

**BUILDING INSPECTOR:** An individual hired to administer the building codes.

**CEMETERY:** Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

**CERTIFICATE OF OCCUPANCY:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the existing building codes.

**CHANGE OF USE:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

**CHILD CARE CENTER:** A facility other than a private home where one or more children are received for care and supervision.

**CHURCH:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

**CLUB:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public.

**COMMUNICATION TOWER:** A radio, telephone or television relay structure attached directly to the ground or to another structure, used for the transmission or reception of radio, television. Telephone, microwave, internet, or any other form of telecommunications signals.

**COMPOSTING CENTER:** An establishment principally involved in biological decomposition of organic matter under controlled conditions that are primarily characterized by aerobic, elongated piles that generate heat and where organic matter is collected and delivered from off-site, thereby allowing for large scale composting.

**CONDOMINIUM PROJECT:** A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

**CONDOMINIUM SUBDIVISION::** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

**CONDOMINIUM SUBDIVISION PLAN:** The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**CONDOMINIUM UNIT:** That portion of a condominium project or condominium subdivision which is designated and intended for separate ownership and use, as described in the master deed regardless of whether it is intended for residential, office industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit" or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

**CONVALESCENT OR NURSING HOME:** A convalescent home or nursing home is a home for the care of children or aged or infirm, or place of rest for those suffering bodily disorders, wherein four (4) or more persons are cared for. Said home shall conform and qualify for license under State law.

**DAY CARE CENTER:** A school, kindergarten, or adult care facility wherein daycare, or daycare and education is provided.

**DAY CARE, FAMILY HOME:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than (7) 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 a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

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

**DEBILITATING MEDICAL CONDITION:** A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis.

**DEPTH:** The distance from the front lot line to the rear lot line.

**DISTRICT:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A “district” is also known as a “zone” or “zoning district”.

**DRIVE-IN ESTABLISHMENT:** A business establishment which by design, physical facilities,, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**DRIVE-THROUGH:** A business establishment that provides customers with the opportunity to pay for and receive goods or services without leaving their car. A drive-through establishment is distinguished from a drive-in establishment by the fact that drive-through operations involve a driveway approach that the customer uses to enter the service area, receive service and departs, while a drive-in involves parking spaces the customer parks in to receive service.

**DRIVEWAY:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Tuscola County Road Commission or State of Michigan.

**DWELLING:** Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis tent or portable building be considered a dwelling.

**DWELLING, MULTIPLE FAMILIES:** A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.

**DWELLING, SINGLE FAMILY:** A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of that Ordinance and shall comply with the provisions herein relative to dwellings.

**DWELLING, TWO FAMILY (DUPLEX):** A building containing not more than two separate dwelling units designed for residential use.

**DWELLING UNIT:** One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

**ERECTED:** The word “erected” means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations fill, drainage, and the like shall be considered a part of erection when done in conjunction with a structure.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal department of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations or structures which are enclosures or shelters for service including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. Communication towers shall not be interpreted as essential services.

**EXCAVATION:** Any breaking of ground, except common household gardening, general farming and ground care.

**EXTRACTION OPERATION:** The removal, extraction, or mining of sand, gravel or similar material for the purposes other than household gardening, general farming, erection of a structure or building for which a zoning permit has been issued.

**FAMILY, NON-TRADITIONAL:** A Collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association lodge, coterie, organization, or group of students or other individuals whose domestic relationship is a transitory or seasonal nature or for any anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

**FAMILY, TRADITIONAL:** An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

**FARM:** Land and associated buildings and machinery used for agriculture comprising at least ten (10) contiguous acres, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures, and machinery.

**FARM BUILDINGS:** Any detached accessory building or portion of a main building used for the storage or housing of farm implements, produce or farm animals.

**FENCE:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

**FILLING:** The depositing or dumping of any matter into or onto the ground.

**FLOOR AREA, GROSS:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

**FLOOR AREA, USABLE:** For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

**FOSTER CARE FACILITY:** An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

**FOSTER CARE/FAMILY HOME:** A facility which provides foster care to (6) or fewer persons.

**FOSTER CARE/GROUP HOME:** A facility which provides foster care to seven (7) or more persons.

**FRONTAGE:** The total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line.

**GAS STATION/AUTOMOTIVE VEHICLE SERVICE STATION:** An establishment offering retail sales of motor fuels, oil and lubricants as well as minor vehicle repair and service such as replacement of tires, batteries, mufflers, brakes, starters, oil changes and engine tune-ups.

**GARAGE, PRIVATE:** A building or portion of a main building used for the storage of passenger vehicles and not more than one truck of a rated capacity of two (2) tons or less.

**GARAGE, PUBLIC/AUTOMOTIVE VEHICLE REPAIR SHOP:** Any building used for the hire, sale, storage or servicing of automotive vehicles or trailers.

**GOLF COURSE/COUNTRY CLUB:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

**GRADE, FINISHED:** The elevation of the ground surface upon the completion, or intended completion, of construction and improvements.

**GRADE, NATURAL:** The elevation of the ground surface in its natural state, before man-made alterations.

**HAZARDOUS SUBSTANCE:** A chemical or other material which is or may be injurious to the public health, safety, or welfare or the environment.

**HOME OCCUPATION:** Any occupation customarily conducted within a dwelling or accessory structure by its occupants as a subordinate use and within one roof thereof; provided that (A) no stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation, (B) no display of goods or signs pertaining to such use visible from the street and that no persons are employed other than the dwelling occupants and, (C) it meets the front, side and rear setbacks for principle structures.

**HOSPITAL:** An institution which is licensed by the Michigan Department of Public Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, and staff offices.

**HOTEL:** A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

**HOT TUB:** (see swimming pool)

**IN-GROUND POOL:** (see swimming pool)

**JUNK YARD:** Any land or building used for: (A) the abandonment, storage, keeping, collecting, selling, exchanged or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; and/or (B) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered a special land use requiring special approval.

**KENNEL:** A lot or premises on which: (a) **Three** (3) or more dogs, or cats or similar animals, six (6) months to age or older, are kept either permanently or temporarily for the purposes of breeding, boarding, leasing, training, sale or transfer, or (b) **Five** (5) or more dogs, cats, or similar animals, six (6) months of age or older, are kept either permanently or temporarily for personal use.

**LIVESTOCK:** Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

**LOADING SPACE:** An off-street space, that is on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LOT:** A tract of land occupied or intended to be occupied, by a main building, group of buildings, or accessory buildings utilized for the principal use and uses accessory thereto; together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records.

**LOT AREA:** The total horizontal area, within the lot lines. In a site condominium, a lot is defined as the condominium unit plus the associated limited common area.

**LOT, CORNER:** Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet.

**LOT DEPTH/REAR:** The line opposite to and most distant from the front line; In order to assure adequate width of backyards in irregularly shaped lots, it shall be the straight line entirely within the lot ten feet long, parallel to and most distant from the front lot line. (See illustration at the end of this section).

**LOT LINES:** The lines bounding a lot or parcel:

(a) **Lot line, front:** In the case of a lot not located on a corner, the line separating said lot from the public or private right-of-way. In the case of a corner lot or through lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or on the plot plan or site plan review application, subject to approval. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained. (See illustration at end of this section). In the case of a waterfront lot, the front lot line shall be the ordinary high water mark.

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

(c) **Lot line, side:** Any lot line other than a front or rear lot line.

**LOT LINE, STREET OR ALLEY:** Any line separating a lot from a street or alley.

**LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the Office of the Tuscola County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Tuscola County Register of Deeds prior to the adoption or amendment of this Ordinance.

**LOT, THROUGH:** A lot having frontage on two (2) roads other than a corner lot.

**LOT WIDTH:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines.

**MANUFACTURED HOUSING:** A dwelling unit which is designated for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

**MANUFACTURED HOUSING COMMUNITY:** A parcel of 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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**MASTER DEED:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**MEDICAL CLINIC:** An establishment where human patients, not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**MEDICAL MARIJUANA:** Marijuana used to alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with a debilitating medical condition.

**MEDICAL MARIJUANA DISPENSARY:** A medical marijuana dispensary shall mean a facility where three or more "primary caregivers" grow, cultivate, store, dispense or offer marijuana for sale to "qualifying patients" under the Michigan Medical Marijuana Act of 2008.

**METES AND BOUNDS DESCRIPTION:** A method of describing a land area according to course and distances around the tract, or by referencing natural or record monuments.

**MINI STORAGE (WAREHOUSE) FACILITIES:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers of the storage of customer's goods or wares which are generally not used on a daily basis, including recreational vehicles and watercraft.

**MOTEL:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient-automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

**MOTOR HOME:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**NONCONFORMING BUILDING OR STRUCTURE:** A building or structure (or portion or thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

**NONCONFORMING LOT OF RECORD (SUBSTANDARD LOT):** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**NONCONFORMING USE:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

**NUISANCE:** Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, and endangers life and health.

**NURSING HOME:** (see convalescent home)

**OPEN AIR STRUCTURES:** Open air structures are defined as a non-habitable, unenclosed building or structure. Open air structures are designed to be used by occupants of the principal building for recreation or pleasure. Further definition is as follows:

**(a) Open Air Accessory Structure** is defined as a one story freestanding permanent structure that has a solid roof or lattice roof surface supported by poles, posts, columns or other vertical structural members with no solid walls. Examples of such a structure would be: arbors, gazebos, pergolas and shade structures.

**(b) Open Air Attached Patio** is defined as a patio within the rear ½ of the lot and is attached to the house or to an accessory structure and is open on at least one side.

**(c) Open Air Porch** is defined as a porch attached to the front of the house or to an accessory structure that is open on at least one side.

**ORDINARY HIGH WATER MARK:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil.

**OWNER:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure or real property, or his or her duly authorized agent.

**PARCEL:** A lot described by metes and bounds or described in a recorded plat.

**PARKING SPACE, OFF STREET:** Any accessible area not less than one hundred eighty (180) square feet exclusive of access drives and aisles and which is not located on a public street or alley right – of-way and has a shape satisfactory for such use.

**PETROLEUM BULK PLANT:** An establishment for the storage of petroleum, in bulk and in packages, for distribution by tank car, tank vehicle or motor truck.

**PLAT:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act, P.A. 591 of 1996, as amended, or a prior statute.

**PRINCIPAL BUILDING:** The main building on a lot in which the principal use exists or is served by.

**PRINCIPAL USE:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**PROFESSIONAL BUILDING:** Office building for occupancy by financial, insurance, bookkeeping and real estate firms; civic, religious and charitable organizations and similar businesses or agencies.

**PROHIBITED USE:** A use of land which is not permitted within a particular zoning district.

**PUBLIC UTILITY:** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water. However, in no vase shall a communication tower be considered a public utility.

**QUANTITY THRESHOLD FOR REGULATION OF HAZARDOUS SUBSTANCES:** Any commercial or industrial facility that uses, stores, or generates hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds).

**RECREATIONAL VEHICLE:** A vehicle which moves one (1) or more persons over the ground, air, water, ice, or snow and which is either self propelled or connects to a vehicle which is self-propelled.

**RECYCLING CENTER:** (see junk yard)

**RESTAURANT, DRIVE-THROUGH:** A restaurant in which all or substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

**RESTAURANT, STANDARD:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:  
(a) customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;

(b) cafeteria-type operation where food and beverage generally are consumed within the restaurant building. The term “standard restaurant” shall not be interpreted to mean or include a drive-through restaurant.

**RESTORATION:** The reconstruction or replication of an existing building’s original architectural features.

**RIGHT-OF-WAY:** A public or private road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**RIGHT-OF-WAY LINE:** The legal line of demarcation between a right-of-way and abutting land.

**ROAD:** A state highway, county road, dedicated public thoroughfare or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance. The term “road” also includes the term “street”.

**ROAD, LOCAL:** Any road classified as a private road or any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Tuscola County Road Commission and classified by the Commission as a “County Local” road.

**ROAD, PRIMARY:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Tuscola County Road Commission and classified by the Commission as a “County Primary” road.

**ROAD, PRIVATE:** A private way or means of approach, not dedicated for general public use, and meets the requirements of the Village Private Road Ordinance.

**ROAD, PUBLIC:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Tuscola Co. Road Commission, State of Michigan, or Federal Government.

**ROADSIDE STAND:** A structure which is used seasonally for the display and sale of agricultural products produced on the property on which the stand is located. The seasonal operation of a roadside stand shall not be considered a commercial use.

**SERVICE STATION, STANDARD:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. Standard service stations may also include up to four hundred (400) square feet of floor area used for the sale of convenience items such as food products, magazines, and similar convenience items.

**SERVICE STATION, MULTIPLE USE:** A place used for more than one (1) principal use, one (1) of which is the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Other principal uses may include, but need not be limited to, a restaurant or convenience store. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or storing the automobiles on the premises overnight.

**SETBACK:** The distance between the centerline of the road right-of-way or the side or rear lot line and nearest supporting member of a structure on the lot.

**SHOOTING RANGE:** Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of bow and arrow or firearms which are aimed at targets, skeet or trap, or where a fee is paid.

**SIGN(S) AND BILLBOARD(S):** The term “sign” shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed outdoors in view of the general public; in addition, any of the above which is not placed outdoors, but which is placed near or attached to a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to the general public shall be considered a sign within the meaning of this ordinance.

**SIGN, CHANGEABLE COPY (AUTOMATIC):** A permanently-installed sign on which the copy changes automatically on a lamp bank or through mechanical means, such as electrical or electronic time units.

**SIGN, EXTERNAL ILLUMINATION:** Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

**SIGN, FACE AREA:** (see, sign, gross surface area)

**SIGN, FLASHING:** An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

**SIGN, GROSS SURFACE AREA:** The entire area within a single continuous perimeter composed of a single regular geometric form enclosing extreme limits of characters, lettering, illustrations, ornamentations; or other figures, together with any material, or color forming and integral part of the display or to differentiate the sign from the background to which it is placed provided further, that only one face of a double-faced sign as defined shall be considered in determining the gross surface area. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.

**SIGN, INFLATABLE BALLON:** A portable sign of a non-porous bag of tough, light material filled with unheated or heated air, which may or may not float in the atmosphere, and is affixed or attached to the earth, either directly or indirectly.

**SIGN, MOVING:** A sign which revolves, rotates, swing, undulates or otherwise attracts attention through the movement of parts or through the impression of movement including automatic electronically controlled copy changes, but not including flags, banners, or pennants.

**SIGN, NON-ACCESSORY SIGN:** A sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premise on which the non-accessory sign is located.

**SIGN, NON-CONFORMING:** A sign existing at the effective date of the adoption of this ordinance which does not adhere to one (1) or more of the provisions contained in this ordinance.

**SIGN, OUTDOOR ADVERTISING:** (see, sign, non-accessory sign)

**SIGN, PERMANENT:** Any ground mounted, free standing or wall mounted sign.

**SIGN, PORTABLE:** Any sign that is designed to be transported, including but not limited to a sign with wheels removed, with chassis or support constructed without wheel, designed to be transported by trailer or wheels, converted to A-frame or T-frame signs, attached temporarily or permanently to the ground, a structure or other signs, mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business, menu and sandwich board signs, search light signs, and inflatable balloons or umbrellas used for advertising.

**SIGN, TEMPORARY:** Any sign for the purpose of directing the public to seasonal promotions, or special events located the Village of Mayville.

**SITE CONDOMINIUM:** A division of land on the basis of condominium ownership which is not subject to the provisions of the "Subdivision Control Act, Public Act 288 if 1967, as amended.

**SITE PLAN:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

**SMALL ENGINE REPAIR:** an establishment where repair to small engines is done.

**SPA, NON PORTABLE:** (see swimming pool)

**SPA, PORTABLE:** A nonpermanent structure intended for recreational bathing, in which all controls, water heating and water circulation equipment are an integral part of the product.

**SPECIAL LAND USE:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require

special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing.

**STABLE, COMMERCIAL:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

**STABLE, PRIVATE:** Any building for shelter of horses not kept for remuneration, hire or sale.

**STOP WORK ORDER:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**STORAGE CONTAINER FOR CORN OR WOOD BURNER:** A container to store either corn or wood.

**STREET:** Any thoroughfare or public driveway, other than an alley, and more than twenty (20) feet in width, which has been dedicated or deeded to the public for public use.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. Fences shall not be considered as “structures: but must comply with all applicable standards of this Ordinance.

**SWIMMING POOL:** Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**SWIMMING POOL, INDOOR:** A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

**SWIMMING POOL, OUTDOOR:** Any swimming pool which is not an indoor pool.

**TOWNHOUSE:** One of a group of three or more dwelling units, each of which have primary ground access to the outside and are attached to each other by party walls.

**TENTS, CANOPIES AND OTHER MEMBRANE STRUCTURES:** Tents canopies and other membrane structures are defined as follows:

(a) **Canopy.** A structure, enclosure or shelter constructed of fabric or a pliable material supported in any manner, and is open without sidewalls or drops on 75 percent or more of the perimeter.

(b) **Tent.** A structure, shelter or enclosure constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

(c) **Membrane Structure.** An air-inflated, air-supported, cable or frame covered structure that is not otherwise defined as a tent or canopy.

**TRAILER OR TRAILER COACH:** Any vehicle designed to be drawn by an automotive vehicle, including self-propelled house coaches.

**TRUCK TERMINAL:** A structure to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be or divided for delivery in larger or smaller units to other points, or for distribution or division involving transfer to other modes of transportation.

**UNDERGROUND STORAGE TANK:** A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

**USABLE FLOOR AREA:** Usable floor areas, for the purpose of computing parking requirements, is net floor area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise or for utilities shall be excluded from this computation of "Usable Floor Area." Measurement of gross floor area shall be the sum of gross horizontal areas of the several floors of the buildings, measured from the interior faces of the exterior walls.

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

**USED CAR LOT:** A lot, or portion thereof, to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A used car lot shall not be used for the storage of wrecked automobiles, the dismantling of automobiles for the storage of automobile parts.

**VARIANCE:** A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

**VEHICLE REPAIR SHOP:** Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision services such as body, frame and fender repair, and painting.

**VETERINARY CLINIC:** An establishment which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories, testing services, and offices.

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

- (a) Contiguous to the Great Lakes or Lake St. Clair, and inland lake or pond, or a river or stream.

(b) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size; except this subdivision shall not be of effect, except for the purpose of inventorying, in counties of less than 100,000 population until the Department of Natural Resources certifies to the commission of natural resources it has substantially completed its inventory of wetlands in that county.

(c) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the Department of Natural Resources has notified the owner; except this subdivision may be utilized regardless of wetland size in a county in which subdivision 920 is of no effect; except for the purpose of inventorying, at the time.

**YARD:** An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted 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 line of the principal building. There shall be maintained a front yard on each street side of a corner lot.

(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 line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.

(c) **Side yard:** An open space between the principal 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 of the side lot line to the nearest line of the principal building.

**YARD, REQUIRED:** A required open space on a lot adjoining a lot line, containing only landscaping or other uses or structures as provided by this zoning ordinance.

**ZONING ADMINISTRATOR:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Village Council.

**ZONING DISTRICT OR ZONE:** A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.