

### TITLE SIX - Zoning Code

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### CHAPTER 1260

#### General Provisions and Definitions

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### CROSS REFERENCES

- Authority to maintain - see CHTR. Sec. 3.18
- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

**1260.01 PREAMBLE; PURPOSES.**

In accordance with the authority and intent of Act 207 of the Public Acts of 1921, as amended, the City desires to provide for the orderly development of the City, which development is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce or residents. The City further desires to ensure the provision of adequate sites for industry, commerce and residences; to provide for the free movement of vehicles upon the proper streets and highways of the City; to protect industry, commerce and residences against incongruous and incompatible uses of land; and to promote the proper use of land and natural resources for the economic well-being of the City as a whole. In addition, the City wishes to ensure the provision of adequate space for the parking of vehicles of customers using residential, office, commercial, retail and industrial areas, and that all uses of land and buildings within the City be so related as to provide for economy in government and mutual support. The result of such purposes shall promote and protect the public health, safety, comfort, convenience and general welfare of the residents, shoppers and workers in the City.

(Ord. Unno. Passed 12-14-87.)

**1260.02 SHORT TITLE.**

This Title Six of Part Twelve of these Codified Ordinances shall be known and may be cited as the Zoning Code of the City of Caseville or just the Zoning Code.

(Ord. Unno. Passed 12-14-87.)

**1260.03 INTERPRETATION AND APPLICATION.**

In the interpretation and application of the provisions of this Zoning Code, such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Zoning Code to interfere with, abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this Zoning Code, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Zoning Code; nor is it intended by this Zoning Code to interfere with, abrogate or annul any easement, covenant or other agreement between parties. However, where this Zoning Code imposes a greater restriction upon the use of buildings or land or upon the height of buildings or requires larger open spaces or larger lot areas than those imposed or required by such ordinance or agreement, the provisions of this Zoning Code shall control.

(Ord. Unno. Passed 12-14-87.)

**1260.04 CONFORMANCE REQUIRED.**

No building or structure or part thereof shall be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land or part thereof, except in conformity with this Zoning Code.

(Ord. Unno. Passed 12-14-87.)

**1260.05 CONFLICTS OF LAW.**

(a) Whenever the provisions of this Zoning Code impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by any other law or ordinance, the provisions of this Zoning Code shall govern.

(b) All businesses and operations in the City shall comply with all Federal, state and local laws.

(Ord. Unno. Passed 12-14-87; Ord. 2010-05. Passed 8-9-10.)

**1260.06 AMENDMENTS.**

(a) Procedure. Council may from time to time amend, supplement or repeal the regulations and provisions of this Zoning Code, in the manner prescribed by Act 207 of the Public Acts of Michigan of 1921, as amended, and in accordance with the following procedural outline:

- (1) A proposed amendment, supplement or repeal may be originated by Council or the Planning Commission or by petition. All proposals not originating with the Commission shall be referred to the Commission for a report thereon before any action is taken on the proposal by Council.
- (2) The Planning Commission shall study the proposed amendment, supplement or repeal. If it decides the proposal has merit, the Commission shall hold a public hearing thereon in accordance with the procedures set forth in Act 207 of the Public Acts of Michigan of 1921, as amended, and shall make a report of its findings and recommendation to Council.

If the Commission decides that a proposed amendment, supplement or repeal does not have merit, it shall so report to Council without holding a public hearing.

- (3) When Council receives an adverse report on a proposed amendment or change that has not received a public hearing by the Planning Commission, Council may concur with the recommendation and stop further action, or, if it does not agree with the recommendation, Council shall refer the proposed amendment or change back to the Planning Commission, with a request that the Planning Commission hold a public hearing on the proposed amendment, supplement or repeal and make a final report to Council.

When Council receives a recommendation from the Planning Commission on a proposal that has been given a public hearing by the Planning Commission, Council may hold a public hearing thereon. If such a hearing is held, notice thereof shall be given in the manner prescribed by Act 207 of the Public Acts of 1921, as amended. Council may adopt such amendment, supplement or repeal without further reference to the Commission unless the recommendation from the Commission is to be amended, in which case, the same shall be referred again to the Commission for reconsideration.

(b) Protests. Whenever a written protest against a proposed amendment, supplement or change is presented, duly signed by the owners of twenty percent or more of the frontage proposed to be altered, of twenty percent or more of the frontage immediately in the rear thereof or of twenty percent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by the favorable vote of three-fourths of Council.

(c) Fee. Each request or application for amendment to this Zoning Code shall be accompanied by a fee, as determined by Council, which may be adjusted from time to time.

(Ord. Unno. Passed 12-14-87.)

#### **1260.07 SEVERABILITY.**

Articles, sections, subsections, clauses, provisions and portions of this Zoning Code are deemed to be severable, and should any section, subsection, clause, provision or portion of this Zoning Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Zoning Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. Unno. Passed 12-14-87.)

#### **1260.08 EFFECTIVE DATE.**

This Zoning Code is hereby declared to have been adopted by Council at a meeting thereof duly called and held on December 14, 1987. Publication was made as prescribed by law and this Zoning Code shall be effective on January 31, 1988.

(Ord. Unno. Passed 12-14-87.)

**1260.09 CONSTRUCTION OF LANGUAGE; DEFINITIONS.****(a) Construction of Language.** As used in this Zoning Code:

- (1) The particular shall control the general.
- (2) In the case of a difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- (3) "Shall" is always mandatory and not discretionary; "may" is permissive and discretionary.
- (4) Words used in the present tense shall include the future, words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- (5) "Building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) "Person" includes an individual, corporation, partnership and incorporated association or similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
  - A. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - B. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- (9) Terms not herein defined shall have the meaning customarily assigned to them.

**(b) Definitions.** As used in this Zoning Code:

- (1) Accessory building. "Accessory building" means a subordinate building, the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building.
- (2) Accessory use. "Accessory use" means a use of land or a portion of a building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.  
(Ord. Unno. Passed 12-14-87.)
- (2A) Adult entertainment business. "Adult entertainment business" means a business whose principal service or activity is one, or a combination of more than one, of the following types of businesses: Adult bookstore, adult motion picture theater, adult mini-motion picture/video establishment or adult personal service business.

- (2B) Adult foster care home (State licensed). "Adult foster care home" means a State licensed residential care facility in a private home which provides supervision or care, or both, to six or fewer persons. This use shall be considered a residential use of property and a permitted use in all residential districts.
- (2C) Adult foster care large group home (State licensed). "Adult foster care large group home" means a facility with approved capacity to receive at least thirteen but not more than twenty adults to be provided supervision, personal care and protection in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
- (2D) Adult foster care small group home (State licensed). "Adult foster care small group home" means a facility located in a private home with an approved capacity to receive twelve or fewer adults who are provided supervision, personal care and protection in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks, for compensation. (Ord. Unno. Passed 11-9-94.)
- (3) Alterations. "Alterations" means any change, addition or modification in the construction or type of occupancy, any change in the structural members of a building, such as the walls, partitions, columns, beams or girders, any change in the location of a building or any change which may be referred to herein as altered or reconstructed.
- (4) Apartment. "Apartment" means a room or suite of rooms in a multifamily dwelling used as a dwelling for one family which does its cooking therein.
- (5) Apartment house. "Apartment house" means a residential structure containing three or more attached apartments.
- (6) Architectural features. "Architectural features" means features of a building, including cornices, eaves, gutters, belt courses, sills, lintels, chimneys and decorative ornaments.
- (7) Automobile repair. "Automobile repair" means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair, painting, vehicle rustproofing and any related activity.

- (8) Automobile service station. "Automobile service station" means a building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats. It may include the customary space and facilities for the installation of such commodities on or in such vehicles and space for facilities for temporary storage, minor repair or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing (where the primary use of the premises is such) or high-speed washing thereof or sales of used cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.
- (9) Automobile wash establishment. "Automobile wash establishment" means a building or portion thereof, the primary purpose of which is that of washing motor vehicles.
- (10) Basement. "Basement" means that portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. (See the illustration entitled "Basement and Story Definition" following the text of this chapter.)
- (11) Bed and breakfast. See "Tourist home."
- (12) Bedroom. "Bedroom" means a room in a dwelling unit for or intended to be used for sleeping purposes by human beings. (Ord. Unno. Passed 12-14-87.)
- (13) Billboard. "Billboard" means an off-premise outdoor advertising sign not to exceed 200 square feet in area. (Ord. Unno. Passed 7-10-89.)

- (14) Block. "Block" means a tract of land bounded on all sides by streets, a railroad right of way, a waterway, unsubdivided acreage or any other barrier to the continuity of development.
- (15) Boarding house. "Boarding house" means a dwelling where lodging or meals and lodging are provided for compensation to three or more persons by pre-arrangement for definite periods of not less than one week. A boarding house is to be distinguished from a hotel, motel, rooming house, tourist home, convalescent or nursing home or a State-licensed or State-approved residential facility.  
(Ord. 2001-02. Passed 2-12-01.)
- (16) Buildable area. "Buildable area" means the space of a lot remaining after the minimum open space requirements of this Zoning Code have been complied with.
- (17) Building. "Building" means an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This includes both temporary and permanent structures, tents, sheds, garages, stables, greenhouses or other accessory structures.
- (18) Building setback line. "Building setback line" means the line which pertains to and defines those minimum building setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Zoning Code.
- (19) Building inspector. "Building Inspector" means the Building Inspector of the Village or his or her authorized representative.
- (20) Building, main or principal. "Main or principal building" means a building in which is conducted the principal use of the lot upon which it is situated.
- (21) Building permit. "Building permit" means the written authority issued by the Building Inspector permitting the construction, removal, repair, moving, alteration or use of a building in conformity with this Zoning Code.
- (22) Clinic. "Clinic" means a building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment, with services available from a professional, such as a physician, dentist or the like.
- (23) Commercial use. "Commercial use" means the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services or the maintenance of offices, or recreation or amusement enterprises or garage



and basement sales conducted on residential premises for more than six calendar days during a given one year period.

- (24) Commission. "Commission" or "Planning Commission" means the Village Planning Commission.
- (25) A. Condominium, residential. "Residential condominium" means individual ownership of a dwelling unit in a multifamily development.  
B. Condominium, site. "Site condominium" means individual ownership of a buildable area on which a residential unit will be built.  
(Ord. 2001-02. Passed 2-12-01.)
- (26) Convalescent or nursing home. "Convalescent or nursing home" means a home for the care of children, the aged or the infirm, or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. Such home shall also conform to and qualify for licensing under applicable State laws.
- (27) Density. "Density" means the number of dwelling units developed on an acre of land, excluding publically dedicated streets, parks and utility easements, if the easement is not useable for recreation purposes.
- (28) District. "District" means a portion of the Village within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this Zoning Code.
- (29) Drive-in establishment. "Drive-in establishment" means a business establishment, such as a restaurant, cleaner, bank or theater, so developed that its principal retail or service character is dependent on providing a driveway approach of parking spaces for motor vehicles so as to serve patrons remaining in the motor vehicle.
- (30) Dwelling, multiple. "Multiple dwelling" means a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses and apartment hotels, but not including mobile home parks.
- (31) Dwelling, row, terrace or townhouse. "Row, terrace or townhouse dwelling" means a row of three or more attached dwelling units, not more than two and one-half stories in height, in which each dwelling has its own front and rear entrance.
- (32) Dwelling, single-family. "Single-family dwelling" means a building containing not more than one dwelling unit designed for residential use and complying with the following standards:
  - A. The minimum square footage requirements of this Zoning Code for the zone in which it is located are met.

- B. It has a minimum width across any front, side or rear elevation of twenty feet and complies in all respects with the Village Building Code, including the minimum height requirements for habitable rooms. If a dwelling is required by law to comply with Federal or State standards or regulations for construction and such standards or regulations for construction are different from those imposed by the Village Building Code, then such Federal or State standards or regulations shall apply.
- C. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footing, wood foundations or approved structural systems that shall be of sufficient design to accommodate all loads.  
(Ord. 2004-02. Passed 1-12-04.)
- D. If a dwelling is a mobile home it shall be installed with the wheels removed and no such dwelling shall have any exposed towing mechanism, under carriage or chassis.
- E. The dwelling is connected to the public sewer and water supply or to such private facilities as may be approved by the local Health Department.
- F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
- G. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwelling shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling and shall contain permanently attached steps connected to such exterior door areas or to porches connected to such door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Zoning Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Board of Zoning Appeals within a period of fifteen days from the receipt of notice of the Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as upon the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, within 2,000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than twenty percent of the lots situated within such area. Where such area is not so developed, determination of compatibility shall be based upon the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique contour or relief from the common or standard design of homes.

- H. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- I. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to such mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (being 24 CFR, 3280), as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- J. The foregoing standards shall not apply to a mobile home located in a mobile home park, except to the extent required by State or Federal law or otherwise specifically required by Village regulations pertaining to mobile home parks.
- K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Village Building Code.

- (33) Dwelling, Two-family. "Two-family dwelling" means a dwelling occupied by two families, each provided with separate facilities for living accommodations, and is also known as a duplex dwelling.
- (34) Dwelling unit. "Dwelling unit" means a house or building or portion thereof having cooking facilities, and occupied wholly as the home residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed to be a dwelling unit for the purpose of this Zoning Code and shall comply with the provisions thereof relative to dwellings.
- (35) Efficiency unit. "Efficiency unit" means a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing a total of not less than 360 square feet of floor area.
- (36) Erected. "Erected" means built, constructed, reconstructed, moved upon, or any physical operation on the premises which is required for the building. Excavation, fill, drainage and the like shall be considered a part of erection.
- (37) Essential services. "Essential services" means the erection, construction, alteration or maintenance and operation by public utilities or Municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate service by such public utilities or Municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.
- (38) Family. "Family" means:
  - A. One or more persons related by bonds of marriage, blood or legal adoption occupying a dwelling unit as a single nonprofit housekeeping unit, plus not more than two additional persons, such as roomers or boarders; or
  - B. A collective body of persons living together in one house, under one head, whose relationship is of a permanent and distinct domestic character based upon birth, marriage or other domestic bond and cooking as a single housekeeping unit. The term does not include a federation, group, coterie or organization, nor does it include

a group of individuals whose association is temporary in character or nature. A body of persons meeting this definition is also distinguished from a group occupying a hotel, club, boarding house, fraternity house, sorority house or foster care facility.

(Ord. 2001-02. Passed 2-12-01.)

- (39) Floor area, gross. "Gross floor area" means the sum of the gross horizontal areas of the several floors of a principal building, plus accessory buildings, measured from the exterior faces of the exterior walls. Any space devoted to off-street parking or loading, basements, breezeways, unfinished attics, porches (enclosed or unenclosed) and garages shall not be included. (See the illustration entitled "Floor Area Terminology" following the text of this chapter.)
- (40) Floor area, useable. "Useable floor area" means that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half-story, the useable floor area shall be considered to be only that portion having a clear height above it of five feet or more. (See the illustration entitled "Floor Area Terminology" following the text of this chapter.)
- (41) Foster care facility. See "Licensed residential facility."
- (42) Garage, community. "Community garage" means a space, structure or series of structures for storage of motor vehicles, having no public shop or service operated in connection therewith, for the use of two or more owners or occupants in the vicinity.
- (43) Garage, private. "Private garage" means a space or structure suitable for the storage of motor vehicles, having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or his or her family or domestic employees and with a capacity of not more than three vehicles.
- (44) Garage, public. "Public garage" means a space or structure, other than a private garage, for the storage, care, repair or refinishing of motor vehicles. However, a structure or room used solely for the display and sale of vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance or refinishing service or storage of vehicles other than those displayed, shall not be considered a public garage for the purpose of this Zoning Code.  
(Ord. Unno. Passed 12-14-87.)

- (45) Grade (Building). "Building grade" means the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building. (Ord. Unno. Passed 11-9-94.)
- (46) Greenbelt. "Greenbelt" means a strip of land which is planted with trees or shrubs acceptable in species and caliper to the Planning Commission. (Ord. Unno. Passed 12-14-87.)
- (46A) Group day care home. "Group day care home" means a private home in which seven but not more than twelve minor children are received for care and supervision for periods of less than twenty-four hours a day unattended by a parent or legal guardian, with the exception of children related to an adult member of the family. This definition includes a home that gives care to an unrelated child for more than four weeks in a calendar year. A state registered family day care home shall be considered a residential use of property and a permitted use in all residential districts. (Ord. Unno. Passed 11-9-94.)
- (47) Height, building. "Building height" means the vertical distance measured from the grade of the building to the highest point of the roof for flat roofs, mansard roofs, gable, hip and gambrel roofs. Where a building is located upon a terrace the height may be measured from the average ground level of the terrace at the building wall. (See the illustration entitled "Building Height Requirements" following the text of this chapter.) (Ord. 2003-07. Passed 3-10-03.)
- (48) Home occupation. "Home occupation" means any use customarily conducted entirely within the dwelling or an accessory building and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof and does not endanger the health, safety and welfare of any other person residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby.

No article or service shall be sold or offered for sale on the premises, except such as is produced by such occupation. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage or signs not customarily in residential areas. No home occupation may generate other than normal residential traffic either in amount or type. One nonilluminated nameplate, not more than two square feet in area, may be attached to the building, which nameplate shall contain only the name and occupation of the resident of the premises. Day care centers, tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, barber shops and beauty shops, medical offices and clinics and auto repair shops, among others, shall not be deemed home occupations.

- (49) Hospital. "Hospital" means a building, structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment, which building, structure or institution operates under license by the State Health Department.
- (50) Hotel. "Hotel" means a building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten sleeping rooms.
- (51) Junk. "Junk" means any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.
- (52) Junk yard. "Junk yard" means automobile wrecking yard, salvage area or any area of more than 200 square feet for the storage, 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, but not including uses established entirely within enclosed buildings.
- (53) Kennel. "Kennel" means any lot or premise on which three or more dogs and/or other domesticated animals, at least six months old, are kept permanently or boarded temporarily.

- (54) Licensed or approved residential facility. "Licensed or approved residential facility" means a building or portion thereof, used for residential purposes, that is required to be licensed or approved by the State or a political subdivision of the State and which provides residential services for persons under supervision or care for persons in need of such supervision or care. The term does not include adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional institutions.
- (55) Lot. "Lot" means a piece or parcel of land occupied or intended to be occupied by a building and accessory buildings or by any other use or activity permitted thereon, including the open spaces and yards required under this Zoning Code, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision.

The owner of any number of contiguous lots may have as many of such continuous lots considered as a single lot for the purpose of this Zoning Code as he or she so elects. In such case, the outside perimeter of such group of lots shall constitute the front, rear and side lot lines thereof. Such parcel is often referred to as a "zoning lot."



- (56) Lot area. "Lot area" means the total horizontal area within the lot lines of a lot. For lots fronting or lying adjacent to private streets, "lot area" shall mean that area within lot lines separating the lot from the private street, and not the centerline of such street.
- (57) Lot, corner. "Corner lot" means a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. If a corner lot has a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.
- (58) Lot coverage. "Lot coverage" means that part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
- (59) Lot depth. "Lot depth" means the mean horizontal distance from the center of the front street line to the center of the rear lot line.
- (60) Lot, double frontage. "Double frontage lot" means a lot, other than a corner lot, having frontage on two streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front. A double frontage lot is also known as a through lot.
- (61) Lot, interior. "Interior lot" means a lot, other than a corner lot, with only one lot line fronting on a street.
- (62) Lot lines. "Lot lines" means the boundary lines of a lot. (See the illustration entitled "Lot Terms" following the text of this chapter.) Specifically:
- A. "Front lot line" means, in the case of an interior lot abutting on one public or private street, that line separating the lot from the street. In the case of a corner or double frontage lot, the front lot line shall be that line separating the lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- B. "Rear lot line" means that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining the depth of the rear yard. If none

of these definitions is applicable, the Planning Commission shall designate the rear lot line.

- C. "Side lot line" means any lot line not a front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (63) Lot of record. "Lot of record" means a lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (64) Lot, width. "Lot width" means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.
- (65) Major thoroughfare. "Major thoroughfare" means a main traffic artery designated on the Planning Commission's Master Plan as a major thoroughfare or a collector street.
- (66) Mobile home. "Mobile home" means a structure, exceeding eight feet in width and thirty-two body feet in length, transportable in one or more sections, built on a chassis and designed to be used as a single-family dwelling, with or without permanent foundation, when connected to required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. Mobile home does not include a recreational vehicle or travel trailer.
- (67) Mobile home park. "Mobile home park" means a parcel or tract of land, under the control of a person, upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether or not a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary travel trailer park.
- (68) Mobile home site. "Mobile home site" means a plot of ground within a mobile home park designed for the accommodation of one mobile home.
- (69) Motel. "Motel" means a series of attached, semi-detached or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen cooking facilities are to be provided without the approval of the Planning Commission, with the exception of units for the use of the manager and/or caretaker.

- (70) Nonconforming use or building. "Nonconforming use or building" is defined as follows:
- A. Nonconforming use means a use which lawfully occupied a building or land at the effective date of this Zoning Code or amendments thereto that does not conform to the use regulations of the zoning district in which it is located.
  - B. Nonconforming building means a building or portion thereof lawfully existing at the effective date of this Zoning Code or amendments thereto which does not conform to the provisions (e.g. setbacks, height, lot coverage, parking) of this Zoning Code in the zoning district in which it is located.
- (71) Nursery, plant materials. "Plant materials nursery" means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale, including products used for gardening or landscaping. "Nursery" does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
- (72) Off-street parking lot. "Off-street parking lot" means a facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two automobiles.
- (73) Open air business use. "Open air business use" means:
- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment;
  - B. Retail sale of fruit and vegetables;
  - C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement parks and/or similar recreational uses;
  - D. Bicycle, utility truck or trailer, motor vehicle, boat or home equipment sales, rental or repair services;
  - E. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements and similar products; and
  - F. Retail sales of crafts and hobby goods and merchandise (new and used). This would include indoor and outdoor flea markets.
- (Ord. 2001-02. Passed 2-12-01.)
- (74) Open space. "Open space" means any area, open to the sky, on a lot not covered by a principal or accessory building.
- (75) Open storage. "Open storage" means the outdoor storage of building materials, sand, gravel, stone, lumber, equipment, commodities and other supplies normally used in a commercial business.
- (Ord. 2001-02. Passed 2-12-01.)
- (76) Parking space. "Parking space" means an area for the parking of an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

- (77) Porch, enclosed. "Enclosed porch" means a covered entrance to a building or structure, which entrance is totally enclosed, projects out from the main wall of such building or structure and has a separate roof or roof integral with the principal building or structure to which it is attached.
- (78) Porch, open. "Open porch" means a covered entrance to a building or structure which projects out from the main wall of such building and which is unenclosed except for columns supporting the roof.
- (79) Public utility. "Public utility" means any person, firm, corporation or Municipal department or board duly authorized to furnish, and furnishing to the public, under Municipal or State regulation, transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal services. (Ord. Unno. Passed 12-14-87.)
- (79A) Recovery halfway house. "Recovery halfway house" means a facility licensed by the Michigan Department of Public Health to provide substance abuse treatment and support services, in addition to room and board, to recovering alcohol and drug abusers.
- (79B) Recreational unit. "Recreational unit" means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. "Tent" means a collapsible shelter of canvas or other fabric, stretched and sustained by poles and used for camping outdoors. Recreational units include travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mount campers. A recreational unit shall not be considered a dwelling unit.
- (79C) Rehabilitation halfway house. "Rehabilitation halfway house" means a facility licensed by the Michigan Department of Corrections or the Federal Bureau of Prisons which provides supervision and rehabilitation support services, in addition to room and board, to criminal offenders. (Ord. Unno. Passed 11-9-94.)
- (80) Restaurant, carry-out. "Carry-out restaurant" means an establishment where food is prepared and served to a customer solely for consumption off the premises.
- (81) Restaurant, drive-in. "Drive-in restaurant" means an establishment where food is prepared and is so developed that its principal retail character is dependent on providing a driveway approach and parking spaces for motor vehicles so as to serve patrons while they are in the motor vehicles.
- (82) Restaurant, sit-down. "Sit-down restaurant" means an establishment where food is prepared and served for consumption within the principal building. A sit-down restaurant may have a drive-up window when use of the window is clearly secondary to the main operation of the sit-down restaurant.
- (83) Setback. "Setback" means the minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches, and the front street or right-of-way line.

- (83A) Shoreline setback. "Shoreline setback" means the building setback on the lakeside of a waterfront property in relation to an adjoining property structure. (See the illustration entitled "Shoreline Setback" following the text of this chapter.)  
(Ord. 2005-04. Passed 4-11-05.)
- (84) Sign, identification. "Identification sign" means a sign limited to carrying any or all of the following: the name, address, major enterprise and principal product or service offered.
- (85) Sign, outdoor advertising. "Outdoor advertising sign" means any card, cloth, paper, metal, glass, wood, plaster or stone sign or a sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. "Placed," as used in the definition of "outdoor advertising sign" and "outdoor advertising structure," includes constructing, posting, painting, printing, tacking, nailing, gluing, sticking and carving and fastening, affixing or making visible in any other manner whatsoever. "Outdoor advertising sign" does not mean:
- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations;
  - B. Flags and insignia of any government, except when displayed in connection with commercial promotion;
  - C. Legal notices and identification, informational or directional signs erected or required by governmental bodies;
  - D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; or
  - E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (86) Signs, number and surface area. For the purpose of determining "number of signs," a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. The "surface area of a sign" means and shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- (87) Story. "Story" means the portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next about it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. (See illustration entitled "Basic Structural Terms" following the text of this chapter.)  
In addition:
- A. A mezzanine means a full story when it covers more than fifty percent of the area of the story underneath such mezzanine, or if

the vertical distance from the floor next below it to the floor next above it is twenty-four feet or more.

- B. A basement or cellar shall be counted as a story if over fifty percent of its height is above the level from which the height of the building is measured or if it is used for business purposes or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
- (88) Story, half. "Half story" means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of such full story. (See illustration entitled "Basic Structural Terms" following the text of this chapter.)
- (89) Street. "Street" means a public thoroughfare which affords traffic circulation and the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road and other thoroughfare, except an alley.
- (90) Structural alteration. "Structural alteration" means any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders, or any change in width or number of exits.
- (91) Structure. "Structure" means anything constructed or erected which required permanent location on the ground or attachment to something having such a location.
- (92) Structure, outdoor advertising. "Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary.
- (93) Swimming pool. "Swimming pool" means any structure or container intended for swimming or bathing, located either above or below grade and designed to hold water to a depth of greater than twenty-four inches.
- (94) Temporary building and use. "Temporary building and use" means a structure or use permitted by the Zoning Board of Appeals to exist during periods of construction of the main use or special events for not to exceed one year. The Board may renew a permit for one additional year if progress is being made on the construction of the main building.
- (95) Tent. "Tent" means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground. For purposes of this Zoning Code, "tent" does not include those types of tents used solely for children's recreational purposes.
- (96) Tourist home. "Tourist home" means an owner occupied building in which there are eight or fewer sleeping rooms occupied as a more or less temporary abiding place for individuals who are lodged without meals other than breakfast in rooms occupied singly for hire. "Tourist home" may also be known as a "bed and breakfast home."  
(Ord. 2001-02. Passed 2-12-01.)

- (97) Travel trailer. "Travel trailer" means a portable vehicular unit primarily designed for travel and/or recreational use, which unit may also contain facilities for overnight lodging. "Travel trailer" also includes folding campers, motor homes and truck-mounted campers, but not mobile homes.
- (98) Use. "Use" means the purpose for which land, premises or a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.
- (99) Variance. "Variance" means a modification of the literal provisions of this Zoning Code which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.
- (100) Yacht club. "Yacht club" means an organization of persons, having for its chief purpose the enjoyment of its members of lawful participation in nautical events, a majority of whose members are the owners and operators of boats and have access to nearby navigable waters for the use of the yacht club. Such yacht club shall at all times be organized on a nonprofit basis.
- (101) Yard. "Yard" means an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves, provided that an eight-foot height clearance is provided above the adjacent ground level. (Ord. Unno. Passed 12-14-87.)
- (102) Yard, front. "Front yard" means a yard extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. A waterfront lot shall be considered as having two front yards: the street front yard and the waterfront yard. (See illustration entitled "Yard Requirements" following the text of this chapter.) For parking purposes in R-1 Districts, the front yard shall be considered to be the minimum setback of the District. Parking is permitted behind the minimum setback. (Ord. Unno. Passed 7-10-89.)
- (103) Yard, rear. "Rear yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

- (104) Yard, side. "Side yard" means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.
- (105) Zoning Administrator. "Zoning Administrator" means the individual designated by the Village to administer this Zoning Code.
- (106) Zoning Board of Appeals. "Zoning Board of Appeals" means the Zoning Board of Appeals for the Village. "Board of Appeals" or "Board" shall have the same meaning.  
(Ord. Unno. Passed 12-14-87.)



ILLUSTRATION NO. 1  
BASEMENT AND STORY DEFINITION

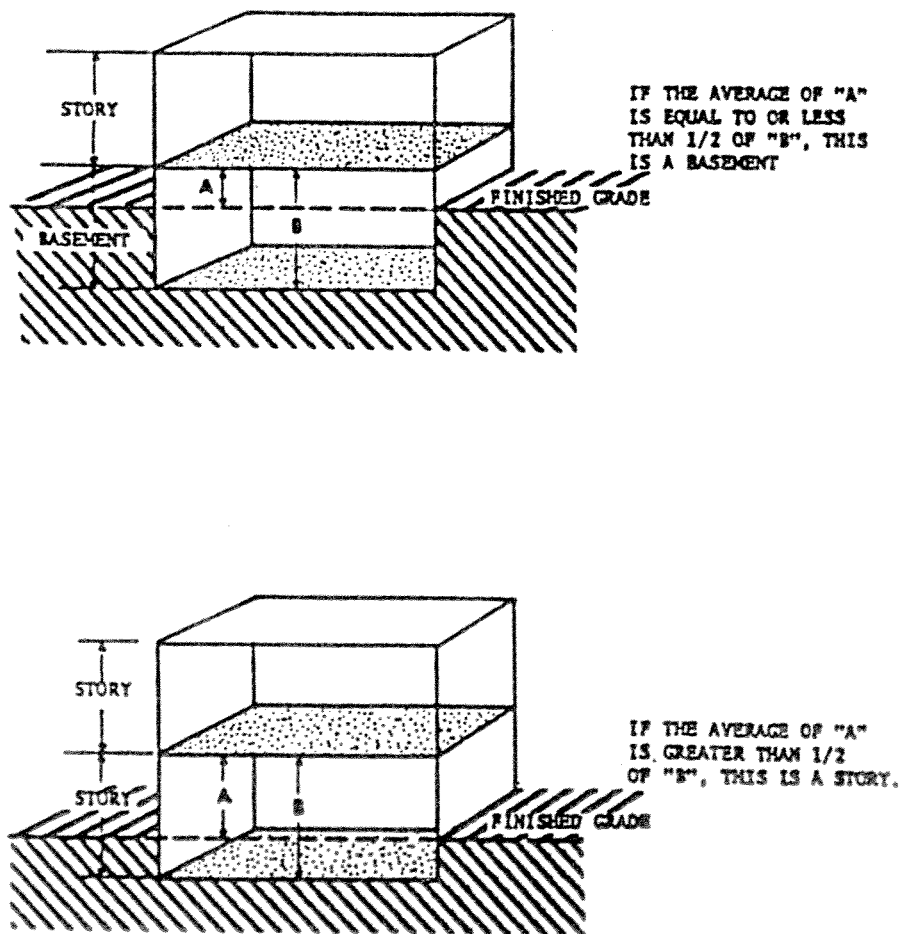


ILLUSTRATION NO. 2  
FLOOR AREA TERMINOLOGY

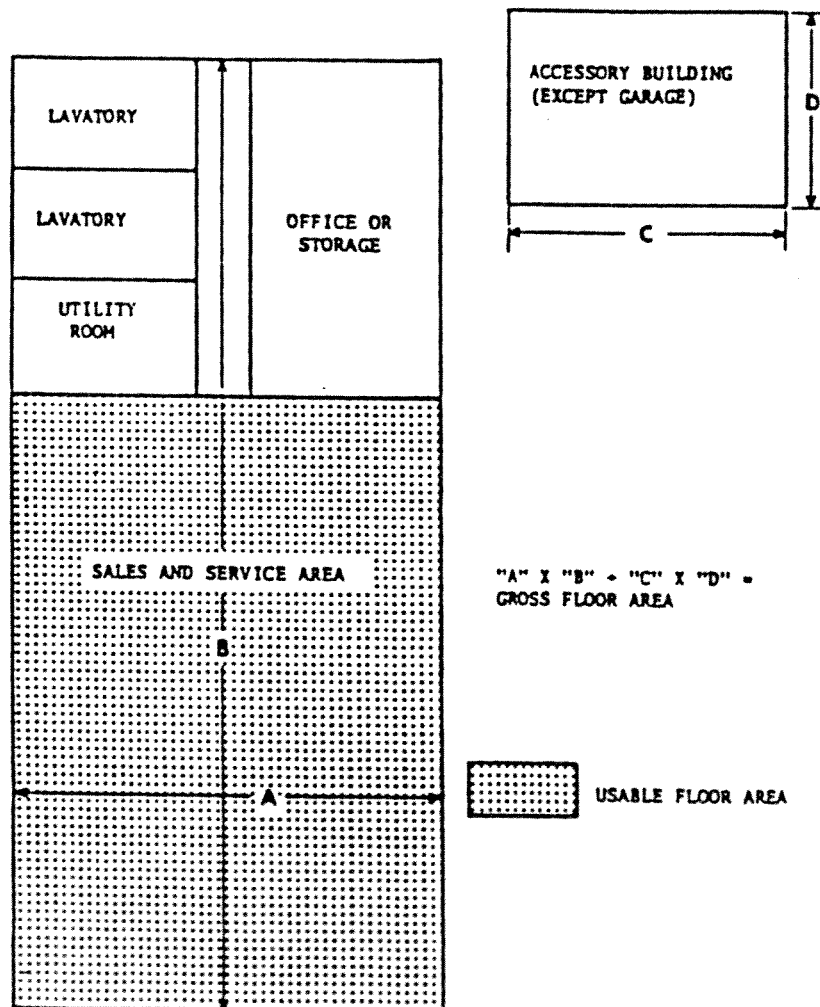
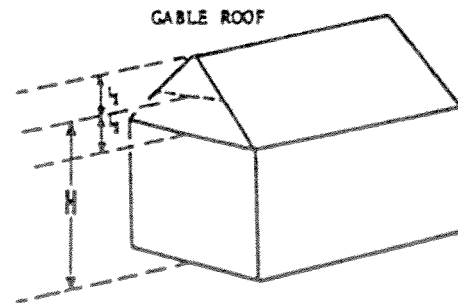
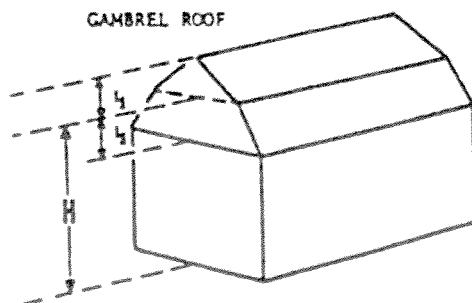
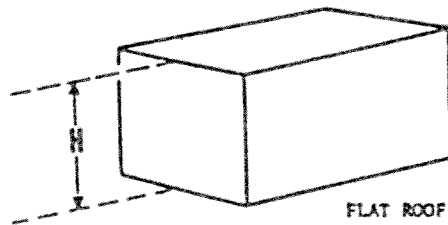
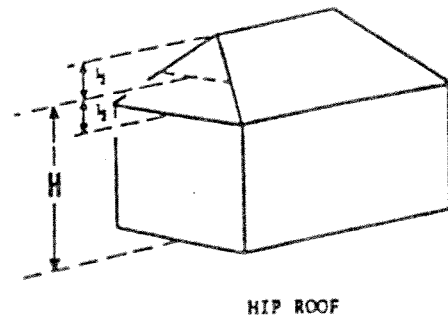
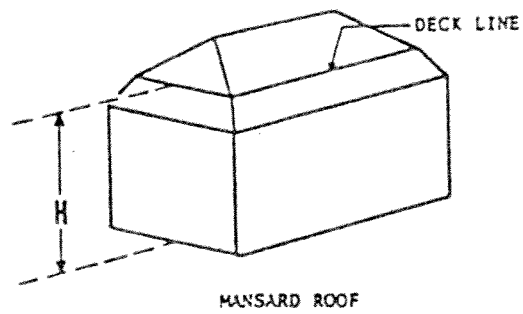


ILLUSTRATION NO. 3  
BUILDING HEIGHT REQUIREMENTS



H - HEIGHT OF BUILDING

## ILLUSTRATION NO. 4

## LOT TERMS

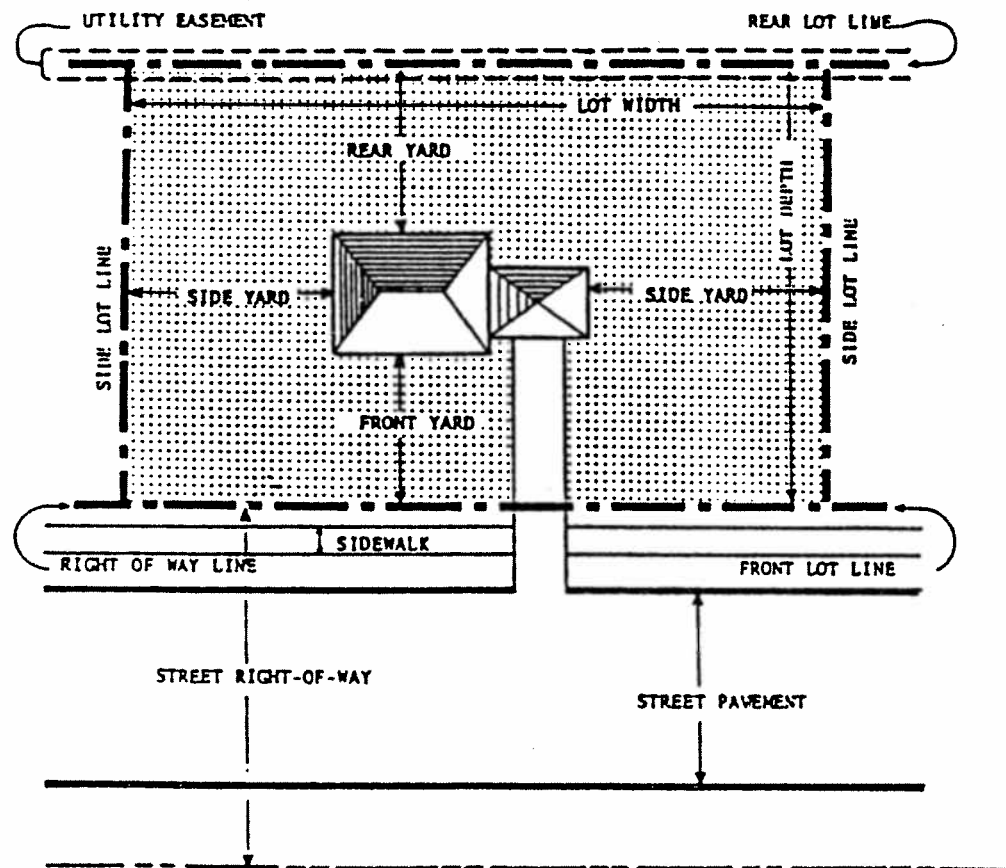


ILLUSTRATION NO. 5  
YARD REQUIREMENTS

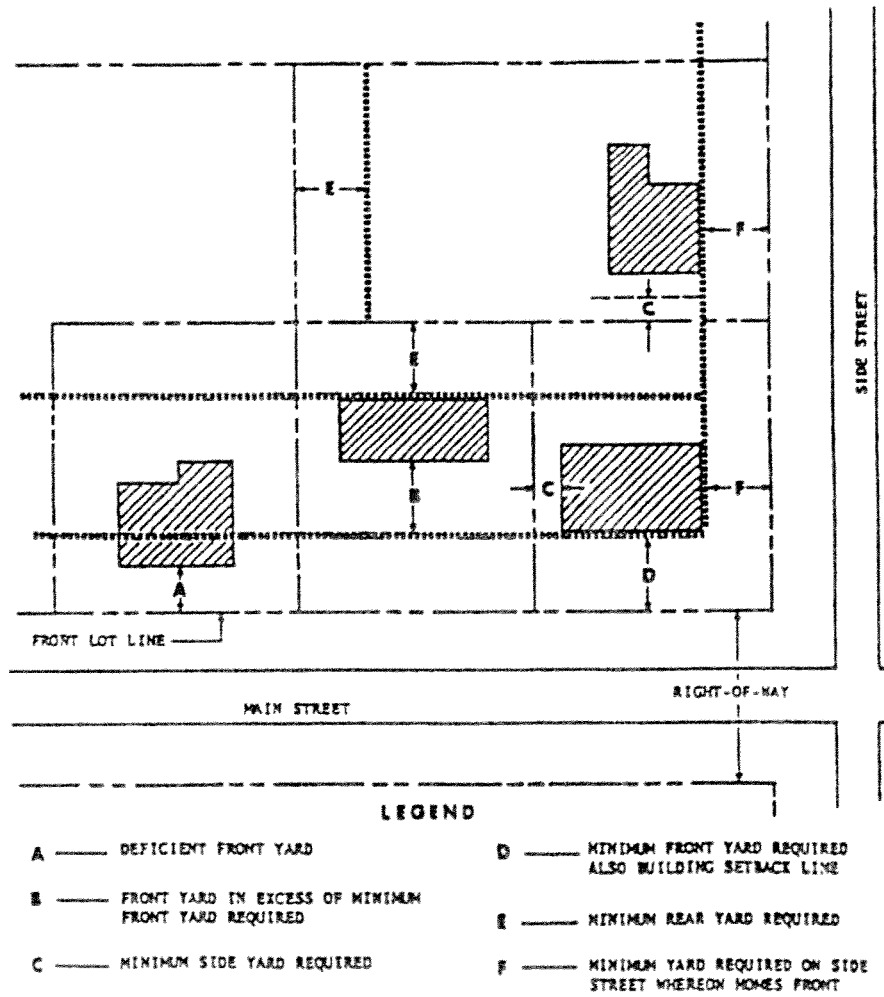


ILLUSTRATION NO. 6

SHORELINE SETBACK

