

## CHAPTER 6. DEFINITIONS

6.1 **DEFINITIONS.** For the purpose of this Chapter, certain terms are herein defined. Any word not defined herein shall have the meaning of common or standard use that is reasonable for the context in which the term is used herein.

### 6.2 A

- 1) Accessory Building: See Building, Accessory
- 2) Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
- 3) Adult Business: See: Sexually Orientated Business
- 4) Agricultural Service Establishment: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.
- 5) Alteration of Building: A change in the supporting members of a building, an addition, diminution, change in use or conversion of a building, or the removal of a building from one location to another, or the alteration of windows and/or doors.
- 6) Amusement Devices: Any device, table, board, or machine which may be operated for a fee or charge as a game, contest or amusement.
- 7) Amusement Establishments: Any building, structure, premises or part thereof used solely or primarily for operation of amusement devices. Any building, structure, premises or part thereof containing six (6) or more amusement devices shall be considered an amusement establishment.
- 8) Animal Clinic: A place where animals are given medical care and the boarding of animals is limited to short term care incidental to clinical use.

### 6.2 B

- 1) Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.
- 2) Bed and Breakfast: A home occupation in an owner occupied dwelling unit wherein up to three bedrooms are used for transient guest use for compensation.
- 3) Billboard: An outdoor sign, display, painting, drawing, message , placard, poster, or other device used to advertise services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- 4) Boarding House: A dwelling having one (1) kitchen and primarily used for the purpose of providing meals and/or lodging for transient guests staying for an indeterminate duration for compensation of any kind.

- 5) Buffer: Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. A buffer may include fences or berms, as well as shrubs and trees.
- 6) Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
- 7) Building, Accessory: A separate structure devoted to use as accessory to the principal use of the premises.

- 8) Building Height: The vertical distance from the average finished grade of the footprint of the building to the top of the highest roof beams on a flat roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level of gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, church spires and steeples, water towers, and similar appurtenances shall not be included in this measurement. See Figure 6.1.

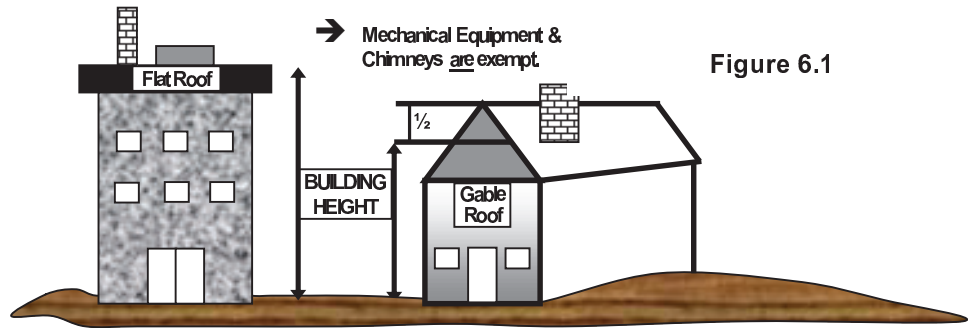


Figure 6.1

- 9) Building, Primary or Principal: A building in which the principal use of the lot on which it is located is conducted.
- 10) Building, Pole: Any prefabricated or custom-built structure which has timber or wood footings (whether treated or untreated) and a timber or wood frame.

### 6.3 C

- 1) Camp or Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by campsite units as temporary living quarters for recreation, education, or vacation purposes.
- 2) Car Wash, Connected to a Public Sewer: A building and equipment used for the commercial washing, waxing and detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities shall include self-wash, automated and hand wash facilities, as well as any combination thereof.
- 3) Cemetery: Privately owned property which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets
- 4) Co-Location: The use of a wireless telecommunication tower by more than one wireless telecommunication provider.
- 5) Church: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

- 6) Commercial Agriculture: The production, with the intention of selling for compensation, of plants and animals useful to man. Commercial agriculture consists of family farms where a major part of the family income is from a farm operation, and/or agricultural businesses that support such farms.
- 7) Condominium Project: A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, Public Act 59 of 1978.
- 8) 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.
- 9) Condominium Subdivision Plan: The drawings and information attached to the master deed including, but not limited to, a survey plan, floodplain plan, site plan, utility plan, floor plans, description of the size, location, area, and horizontal boundaries of each unit, number assigned to each unit, vertical boundaries and volume of each unit, building sections, and description of the nature, location, and size of common elements.
- 10) Condominium Unit: That portion of a condominium project which is designed 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. In condominium projects where a condominium unit(s) will consist of a building envelope, the term "Condominium Unit" shall be equivalent to the term "lot", for purposes of determining compliance with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and the like.
- 11) Consolidating Master Deed: Means the final amended master deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- 12) Construction Equipment, Sales or Supplier: Buildings and outdoor storage areas associated with the operation of a business storing and marketing materials and equipment to the general public and to construction companies, including the outdoor storage of equipment, vehicles, trailers, materials and machinery.
- 13) Contractor: A business, generally professionally licensed, involved in the provision of building, heating, electrical, plumbing and mechanical services for residential and commercial construction.
- 14) Convenience Store: Any retail establishment offering the sale of prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

## 6.4 D

- 1) Day Care: An establishment where children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, for more than 4 weeks during a calendar year.
- 2) Day Care, Family: Any private facility approved by the State in which day care services are regularly provided to no less than three and no more than six minor children for no less than 15 hours per week.
- 3) Day Care, Group: A private home in which 7 but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption, including a home that gives care to an unrelated child for more than 4 weeks during a calendar year.
- 4) Day Care, Commercial: A facility, other than a private residence, providing supervisory care for 1 or more preschool or school age children for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes any facility referred to as a child care center, day nursery, nursery school, drop-in center, or parent cooperative pre-school. A commercial day care center does not include a Sunday school, vacation bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
- 5) Density. The total number of dwelling units divided by the net rural area acreage.
- 6) District: A portion of the Village of Vermontville for which regulations governing land uses are uniform.
- 7) Dwelling: A building designed or used as the permanent residence for one or more persons, including one family, two family and multiple family, apartment-hotels, and boarding and lodging houses, but not including hotels, motels, tourist cabins or trailers.
- 8) Dwelling, Earth-Berm: A dwelling with the ground floor partly below grade but so located where the vertical distance from any grade point to the floor below is less than the vertical distance from grade to ceiling.
- 9) Dwelling, Earth Sheltered: A dwelling where more than fifty percent (50%) of the walls and/or roof are covered with earth to provide climatic, noise, or life safety protection.
- 10) Dwelling, Multiple Families: A dwelling occupied by more than one (1) family and so designed and arranged as to provide independent living, cooking, and kitchen accommodations for each family unit.
- 11) Dwelling, Single Family Detached: A detached building or structure designed for the occupancy of one (1) family.

- 12) Dwelling Unit: A dwelling designed to be occupied by not more than one family, having permanent provisions for living, sleeping, eating, cooking and sanitation.

## 6.5 E

- 1) Educational Facility: Any buildings, facilities, grounds or portions thereof, routinely used for education or instruction in any branch of knowledge.
- 2) Essential Service: The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company, including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills or wireless telecommunication antennas.
- 3) Existing Building: A building existing or for which the foundations are in place or upon which there has been substantial work done, prior to the effective date of this Ordinance, or any amendment thereto.
- 4) Existing Use: A use of premises or buildings or structures actually in operation, openly, visibly and noticeably prior to the effective date of this Ordinance, or any amendment thereto.

## 6.6 F

- 1) Fabrication and Assembly: The manufacturing from standardized parts of a distinct object differing from the individual components.
- 2) Family:
  - a) One or more persons related by blood, marriage, or adoption occupying a single dwelling unit and living as a single, non-profit housekeeping unit.
  - b) A collective number of individuals occupying a single dwelling unit under one head whose relationship is of a permanent non-transitory and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order nor include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities as defined by the City and Village Zoning Act, being act No. 207 of PA of 1921 as amended.
- 3) Farm: A farm is a form of business enterprise in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of farm products, as described herein, for profit which provides a major source of income and capital for reinvestment.
- 4) Farm Animals: Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing farm animals.

- 5) Farm Building: Any building or accessory structure other than a farm or a nonfarm dwelling unit which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milkhouse.
- 6) Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- 7) Farm Products: Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar product; or any other product which incorporates the use of food, feed, fiber, fur or flora.
- 8) Fence: A structure or barrier, constructed of wood, metal or other durable parts, rails, boards, wire mesh, etc., and used to mark a boundary or to define and enclose a specific area for the purpose of protection, privacy or confinement. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, or bridges, shall not be considered as fences under this definition.
- 9) Fence, Wall: A masonry or wood structure used as an enclosure, boundary marker or as a means of retention for either water or earth.
- 10) Fence, Decorative: A structure, composed of wood, metal or other durable parts and used in a manner which is designed to add to the aesthetics or attractiveness of the lot upon which it is placed, rather than as an enclosure or barrier. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, bridges or sidewalks, shall not be considered as decorative fences under this definition.
- 11) Fence, Temporary: A fence of temporary nature, such as a snow fence, a fence erected around construction works.
- 12) Floor Area: The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor area with less than five feet vertical distance from the floor to finished ceiling and basements.
- 13) Foster Care: A home, often temporary, for the sheltered care of persons. Care may also include some combination of special needs, personal care, social or counseling services, and transportation.

## 6.7 G

- 1) Garage-Private: A building accessory to a residence or a portion of a dwelling used primarily for the storage of passenger vehicles owned by the occupant of the premises.
- 2) General Retail: Establishments providing services, entertainment, goods, or merchandise to the general.

- 3) Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a club house.
- 4) Grade: That surface of the earth or finished material located adjacent to the structure.
- 5) Gravel Pit: A parcel of land utilized for the removal or extraction of sand, gravel, rock fragment, soil, and organic soils by open pit mining methods for sale or off-track use.
- 6) Greenhouse: A building or structure constructed chiefly of glass or plastic, in which tender produce or exotic plants are grown or sheltered.
- 7) Group Housing: A non-profit or for-profit boarding home for the sheltered care of persons with special needs.
- 8) Ground Floor: That floor or level of a structure or building whose vertical distance is closest to grade of all floors or levels of the building or structure and is not a basement and no part of which is a basement.

## 6.8 H

- 1) Historical Structures, Buildings or Properties: Any construction completed prior to the adoption of the Village Zoning Ordinance of June 12, 2003.

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- 2) Home Occupation: An accessory use of a dwelling unit or accessory building for gainful employment by the resident(s) thereof, involving the provision of hand crafted goods and/or professional services.
- 3) Hotel: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

## 6.9 I

- 1) Industrial Subdivision: A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility.
- 2) Institutional or Public Use: Churches, hospitals, commentaries, municipal buildings, parks, civic centers, libraries, or other public or quasi-public uses, but not including semi-public or private homes or facilities such as adult foster care facilities, nursing homes, convalescent homes, homes for the aged, sanitary landfills, schools or facilities for the treatment of mental or emotional illness.

## 6.10 J

- 1) Junk or Salvage Yard: An area used to store, dismantle, bail, clean, handle, or process scrapped, used or second hand materials or vehicles but excluding vehicle sales areas, when conducted as a principle use and when selling vehicles that can be physically and legally operated upon Michigan public roads, uses carried on in completely enclosed



buildings, and the storage of accessory farm equipment and supplies, when accessory to a farming operation. As broadly applied in the context of this Ordinance, the terms junk or salvage yard shall all apply to solid waste processing plants, transfer stations and resource recovery facilities.

6.11 K

- 1) Kennel: A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
- 2) Keeping of Horses: refers to the care, boarding, riding and related uses of horses and ponies owned by, and for the exclusive recreational use of, the residents of the parcel without any commercial activities, such as breeding, training, show activities, veterinary care, boarding for a fee of the horses of others, or related activities.

6.12 L

- 1) Laundry and Dry Cleaning Establishments: A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.
- 2) Living Area: The net floor area of a dwelling unit used, or intended to be used, for permanent habitation including, but not limited to sleeping, cooking, personal sanitation areas, but excluding storage space in attics, garages, and any below-grade room without a window or door affording egress to the outdoors.
- 3) Lodging House: See Boarding House
- 4) Lot: A portion of land exclusive of any streets, separated from other parcels by a legal description as shown in a duly executed and recordable land contract or deed or by a subdivision of record or a recorded survey map, either of which is duly recorded with the Eaton County Register of Deeds.
- 5) Lot Area: The total area within the boundaries of the lot, excluding any road rights-of-way or access easements.
- 6) Lot, Corner: A lot abutting upon two or more roads at their intersection or upon two parts of the same road forming an interior angle of less than 135 degrees. See Figure 6.2
- 7) Lot, Flag: A large lot not meeting minimum frontage requirements and where access to the public road is by narrow, private right of way. See Figure 6.2.
- 8) Lot, Interior: A lot other than a corner lot. See Figure 6.2.
- 9) Lot, Through: A lot that fronts upon two parallel streets or that

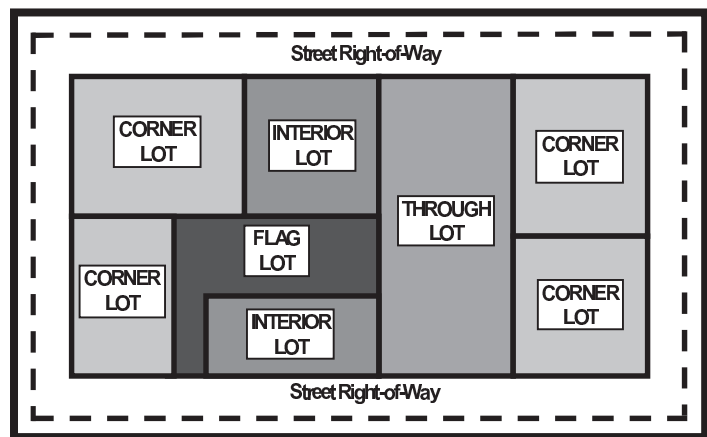


Figure 6.2



fronts upon two streets that do not intersect at the boundaries of the lot. See Figure 6.2.

10) Lot Coverage: The part or percent of a lot occupied by buildings and accessory buildings.

11) Lot Depth: The average distance measured from the front lot line to the rear lot line. In cases where the front and rear lot lines are not parallel or there is a change in bearing along a front or rear lot line, the lot depth shall be measured by drawing several evenly spaced perpendicular lines at ten foot intervals from the front to rear of the lot and averaging the length of these lines. See Figure 6.3.

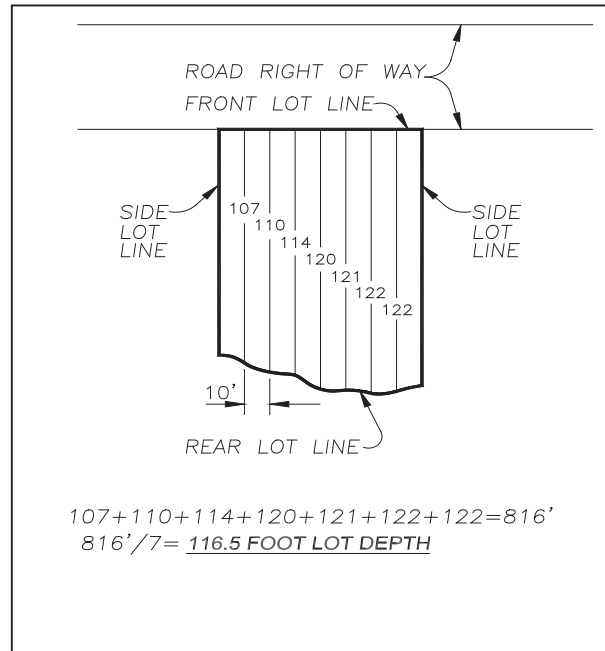


Figure 6.3

12) Lot Lines: (See Figure 6.4)

- a) Lot Line, Front: The boundary line of the lot immediately adjacent to the street right-of-way upon which the lot fronts. In the case of a new corner lot fronting on two or more streets, the front lot line shall be the shortest boundary line of the lot adjacent to a street right-of-way. For a corner lot in existence at the time of the adoption of this Chapter, the front line shall be that which corresponds to the property's street address.
- b) Lot Line, Rear: The boundary line which is opposite and most distant from the front lot line.
- c) Lot Line, Side: Any lot boundary which is neither a front lot line nor a rear lot line.

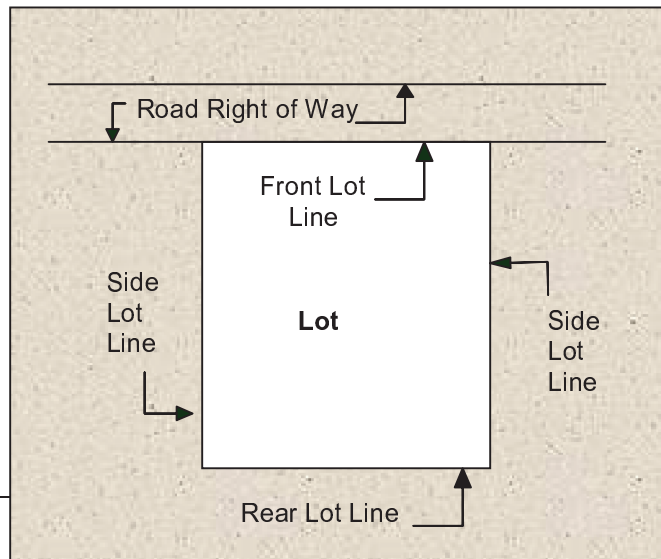


Figure 6.4

- 13) Lot, Nonconforming: A lot of record that does not meet the dimensional and area requirements of this ordinance.
- 14) Lot Width: The horizontal distance between side lot lines measured parallel to the front lot line, which lot width is not diminished throughout the first two hundred fifty (250) feet of such lot.

### 6.13 M

- 1) Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products.
- 2) Manufactured Housing: A structure, transportable in one (1) or more sections which is built on a chassis and designed to be used with or without a permanent foundation, to be used as a dwelling, or any other use when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems in the structure but does not include recreational vehicles or travel trailers or motor homes.
- 3) Master Deed: The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium subdivision plan for the project. The master deed shall include all the information required by the condominium Act, Public Act 59 of 1978.
- 4) Mini Warehousing (also known as Self-Storage Units): A commercial venture that rents individual cubes of space for storage purposes. Individuals typically have joint access to the lot but possess individual access and keys to their respective units.
- 5) Motel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

### 6.14 N

- 1) Net Parcel Area: See Lot Area.
- 2) Nonconforming Use: A use which is lawfully exercised within a structure or on land at the time of adoption of this Ordinance, or any amendment, and which does not conform to the regulations of the district in which it is located.
- 3) Nonconforming Lot: Any lot, outlot, or parcel of land lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not meet the land area or dimensional requirements of the Ordinance.
- 4) Nonconforming Structure: Any structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the dimensional requirements of this Ordinance.

### 6.15 O

- 1) One Family or Single Family Dwelling: See Dwelling (Single Family Detached)

- 2) Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public for public or private use and enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.
- 3) Outdoor Storage: The keeping, of any goods, junk, material, merchandise, or vehicles in an open and unsheltered area for more than twenty-four hours.

## 6.16 P

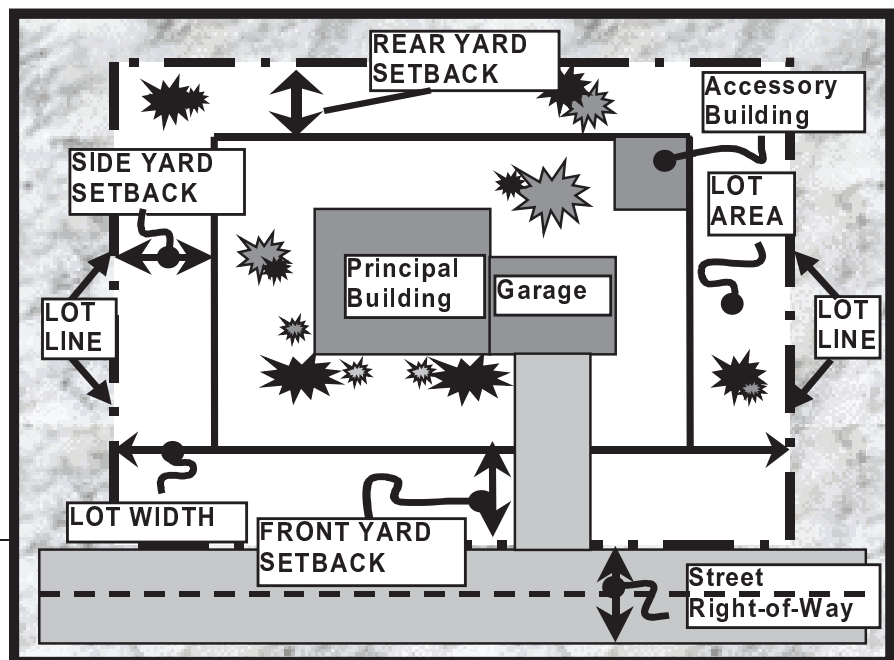
- 1) Parking Area: A space used for parking motor vehicles, including parking lots, garages, and private driveways, but excluding public right-of-way areas.
- 2) Parking Area - Private: A parking area for the private use of the owners or occupants of the lot on which the parking area is located.
- 3) Parking Area - Public: A parking area available to the public, with or without compensation, or used to accommodate clients, customers, or employees.
- 4) Parking Bay: The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.
- 5) Parking Lot: An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.
- 6) Parking Space: A space for the parking of a motor vehicle within a public or private parking area.
- 7) Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
- 8) Principal Building: A building in which the principal use of the lot is conducted.
- 9) Principal Use: The primary or predominant use of any lot.
- 10) Processing: A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried out in a definite manner.
- 11) Professional Offices: The office of a member of a recognized profession maintained for the conduct of that profession.
- 12) Public Areas: Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.
- 13) Public Assembly Areas: Any area where large or small numbers of individuals collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, sports arenas, lecture halls and other similar facilities intended for entertainment, instruction, or similar activities involving assembled groups of people.
- 14) Publicly Owned Building: Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government.

agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.

6.17 Q RESERVED

6.18 R

1. Recreation Area, Private: A parcel of property used as a summer camp for children; travel campgrounds; gun or hunting club; a winter resort used for tobogganing, cross-country skiing or down-hill skiing; a swimming club; a golf course, including miniature golf course; a golf country club; fields (indoor or outdoor) used for baseball, golf driving ranges, batting ranges, ice hockey rinks, softball, football, soccer, rugby, cricket, field hockey, volleyball, and/or field and track events; courts (indoor and outdoor) used for tennis, badminton, racquetball, squash, and basketball or combination of the uses stated.
2. Recreational Facility: A place designed and equipped for the conduct of sports and leisure time activities.
3. Recreation Vehicle or Unit:
  - a) A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers.
  - b) Recreational units shall include, but shall not be limited to, the following: boats, jet skies, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, and similar equipment. If a boat, snowmobile(s), jet ski(s), or dune buggy(s) is on a trailer for transport purposes, this shall be considered as a single recreational unit.
4. Restaurant: An establishment where food and drink are prepared, served and consumed primarily within the principal building. The term "restaurant" shall include taverns, bars, nightclubs, eateries, delicatessens and similar facilities.



5. Right-of-way: A street, alley or other thoroughfare or easement for pass age of persons or vehicles.
6. Roadside Stand: A temporary or seasonal booth or stand for the display and sale of agricultural and related products typically grown or produced on site; such structure shall not have space for customers within the stand or booth itself.

6.19 S

Figure 6.5

- 1) Service Station or Filling Station: A place where operating fuels or lubrication oils for motor vehicles are offered for sale at retail to the public, including the sale of accessories installed by the proprietor thereof and minor adjustment services, but not including major automotive repairs, motor overhauling, body damage repairs, or bulk fuel distributing.
- 2) Setback: The minimum horizontal distance between a lot line and the nearest front, side or rear building line. See Figure 6.5.
- 3) Setback Line: That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected. See Figure 6.5.
- 4) Sexually Oriented Businesses: Establishments, which include but are not limited to:
  - a) Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion pictures machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
  - b) Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for any form of consideration any one or more of the following:
    - i. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
    - ii. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
    - iii. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five (35) percent or more of yearly sales

volume or occupies more than thirty-five (35) percent or more of the floor area or visible inventory within the establishment.

- c) *Adult Cabaret*: A nightclub, bar, restaurant or similar commercial establishment that regularly features persons who appear in a state of semi-nudity or nudity; Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; Films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities of Specified Anatomical Areas; or Persons who engage in lewd, lascivious or erotic dancing or performance that are intended for the sexual interests or titillation of an audience or customers.
- d) *Adult Motel*: A hotel, motel or similar commercial establishment that:
  - i. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public road right-of-way that advertises the availability of any of the above.
  - ii. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - iii. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- e) *Adult Motion Picture Theater*: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- f) *Adult Theater*: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Sexual Activities or Specified Anatomical Areas.
- g) *Escort*: A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform striptease for another person.
- h) *Escort Agency*: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.
- i) *Nude Model Studio*: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculpted,

photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an education institution funded, chartered, or recognized by the State of Michigan.

- j) *Sexual Encounter Center*: A commercial establishment that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex ; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- 5) Site Plan and Site Development Plan: A print from an ink or pencil drawing on paper or Mylar, drawn to scale, which shows the intended and/or existing location and dimensions of improvements or structures upon a parcel of property including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities or similar physical improvements.
- 6) Sign: Any device or structure designed to inform or attract the attention of persons not on the premises on which the sign is located.
- 7) Sign Area: The area within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising copy (the wording, drawings, display, or message on the sign surface in either permanent or removable form), together with any frame, other materials, or color forming an integral part of the copy or similar device used to differentiate the same from the background, against which it is placed, excluding necessary poles, pole covers, supports, braces, or uprights of the sign unless they bear advertising copy.
- 8) Sign, Off Premise: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
- 9) Single Ownership: A parcel of real property of record in separate and distinct ownership from adjacent parcels.
- 10) Specified Anatomical Areas: Are defined as:
  - a) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
  - b) Human male genitals in a discernable turgid state even if completely and opaquely covered.
- 11) Specified Sexual Activities: Include any of the following:
  - a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
  - b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - c) Masturbation, actual or simulated; or



- d) Excretory functions as part of or in connection with any of the activities set forth in a. through c., above.
- 12) Street or Road: A public or private roadway which has been dedicated and accepted by the Village or the County for the purpose of providing access to abutting private lots or land, including the space for pavement, side walks, and utilities.
- 13) Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. The term building shall mean the same; and structures shall include, but not be limited to, parking areas, swimming pools and signs or signboards.
- 14) Subdivision: The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development or lease.
- 15) Subdivision, Cluster: A form of development that permits a reduction in lot area and bulk requirements, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.
- 16) Swimming Pool: A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pools temporarily erected upon the ground holding less than three hundred (300) gallons of water nor decorative pools with less than two feet of water depth.

6.20 T

- 1) Terms: The present tense shall include the future; the singular number shall include the plural and the plural the singular. The word "shall" is always mandatory. The words "zone" and "district" are the same. Reference to a whole shall apply to any part thereof.

6.21 U

- 1) Use: Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.
  - a) Accessory Use - A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises.
  - b) Use Permitted By Right - A use or uses which, by their very nature, are allowed within the specified Zoning District, provided all applicable regulations of the Village are met. Permitted use includes the principal use of the land or structure, as well as accessory uses, unless specifically stated to the contrary within the provisions of this Ordinance.
  - c) Principal Use - The primary purpose for which land or a structure or building is used.
  - d) Similar Uses - A use that has the same characteristics as the specifically cited uses.

- e) Special Use - A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the Village.
- f) Temporary Use - A use or activity, which is permitted only for a limited time and subject to specific regulations.

6.22 V

- 1) Vehicle Repair Shop: A garage, building or area used for the repair, repainting or refurbishing of motor vehicles, boats, trailers, farm equipment or similar mobile equipment, but not including minor part replacement and motor tuning services customary for a service station.
- 2) Vehicle Sales Area: An area or building used for the display, sale or rental of new or used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition where no repair work is done.

6.23 W

- 1) Warehousing: A building used primarily for the storage of goods and materials.
  - a) Public Warehouse: A building used primarily for the storage of goods and materials and available to the general public for a fee
  - b) Private Warehouse: Public Warehouse: A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or groups of establishments in a particular industrial or economic field.
- 2) Wireless Telecommunication Antenna: The device through which wireless telecommunication signals, as authorized by the Federal Communications Commission, are transmitted or received. Not included are AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.
- 3) Wireless Telecommunications Equipment: Including Wireless Telecommunication Antennae, Wireless Telecommunication Equipment Shelters, Wireless Telecommunication Facilities, Wireless Telecommunication Towers and Wireless telecommunication facilities and wireless telecommunication antennas mounted on alternative tower structures subject to Section 8.44.
- 4) Wireless Telecommunication Equipment Shelter: The structure in which the electronic receiving and transmitting equipment for a wireless telecommunications is housed.
- 5) Wireless Telecommunication Facility: A facility consisting of all structures and equipment involved in transmitting and/or receiving telecommunication signals from mobile communication sources and transmitting those signals to a central switching computer which connects the mobile communication sources and transmitting those signals to a central switching computer which connects the mobile unit to the land-

based telephone system. These facilities include but are not limited to private and commercial mobile radio service facilities, personal communication towers (PCS), and cellular telephone towers. Not included in this definition are AM/FM radio towers, television towers, satellite dishes, and federally licensed amateur radio facilities.

- 6) Wireless Telecommunication Tower: A structure intended to support equipment used to transmit and/or receive telecommunication signals including but not limited to monopoles, freestanding lattice structures and guyed lattice structures.

6.25 Y

- 1) Yards: An open space that lies between the principal building or buildings and the nearest lot line. See Figure 6.6.
  - a) Front Yard: An open unoccupied space unless occupied by a use specifically permitted, extending across the full width of the lot and lying between any street or access easement right-of-way line and the nearest foundation of any part of the building which is roofed or which is more than three feet in height. See Figure 6.6.

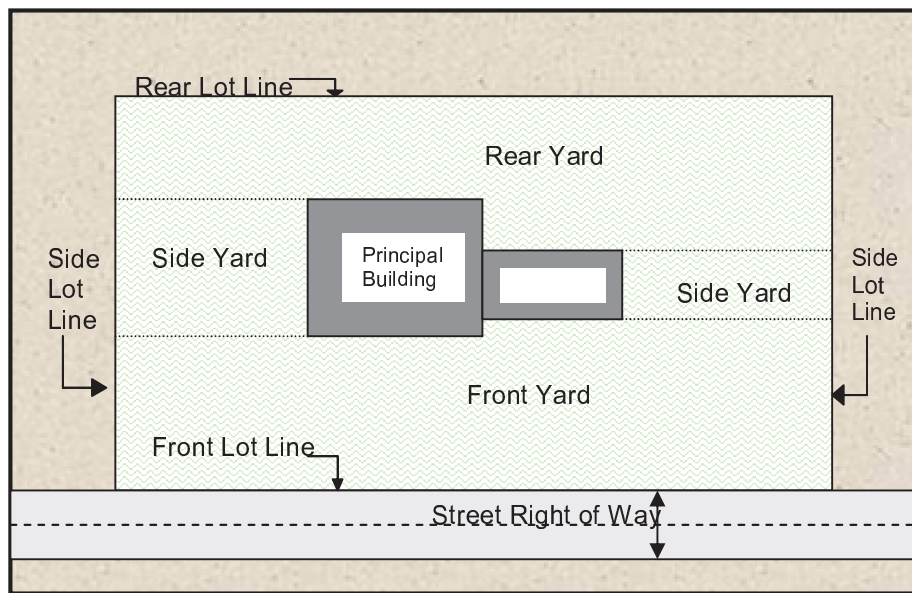


Figure 6.6

- b) Side Yard: An open unoccupied space unless occupied by a use specifically permitted, on the same lot with the building between the foundation of any part of the building and the side lot line, extending from the front yard to the rear yard. See Figure 6.6.
- c) Rear Yard: A space unoccupied except by an accessory building or use specifically permitted, extending across the full width of the lot between the rear foundation of any building other than an accessory building, and the rear lot line. See Figure 6.6.

6.26 Z

- 1) Zoning Administrator: An appointed official designated to administer the zoning ordinance and issue zoning permits.
- 2) Zoning District: A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.
- 3) Zoning Lot: Two or more contiguous lots under single ownership and used or designated by its owner for treatment as one lot for the purposes of determining compliance with the requirements of this Ordinance. Once so designated or used, a zoning lot shall not be used or developed except in conformance with the requirements of this Ordinance.
- 4) Zoning Permit: A document signed by the Zoning Administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building.