

CHAPTER 2 DEFINITIONS

SECTION 2.1 SHORT TITLE

This Ordinance shall be known and may be cited as the "Village of Maybee Zoning Ordinance."

SECTION 2.2 CONSTRUCTION OF LANGUAGE

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes an individual, a corporation, a partnership, an incorporated association, government or any other similar entity.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.
- I. When computing a period of days, the first day is not counted and the last day is counted.
- J. The word "lot" includes the words "plot"; "parcel"; and "condominium unit/building site".
- K. The word "erected" or "erection" as applied to any building or structure shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical

operation or work on the land on which the building or structure is to be built, constructed, reconstructed, or moved upon, such as excavation, filling, drainage or the like.

SECTION 2.3 DEFINITIONS: A-B

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Accessory Building/Structure.** A building or structure detached from and located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.
- B. **Accessory Use.** A use of land or of a building or portion of a building which is customarily and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or building and located on the same lot with the principal use.
- C. **Addition.** A structure added to the existing structure after the completion of the existing structure which extends or increases the floor area, or height of a building or structure.
- D. **Adult Foster Care Facility.** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979. These acts provide for the following types of residential structures:
 - 1. **Adult Foster Care Small Group Home.** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
 - 2. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
 - 3. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
 - 4. **Adult Foster Care Congregate Facility.** Residence for more than twenty (20) adults.
- E. **Adult Entertainment Uses.** Includes adult bookstores, adult motion picture theaters, adult motels, adult nightclubs, and massage parlors. These terms and related terms shall have the following additional meanings:
 - 1. **Adult Bookstore.** An establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

2. **Adult Motion Picture Theater.** An enclosed building used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
 3. **Adult Motel.** A motel where material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
 4. **Adult Nightclub.** A theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on sexual conduct or specified anatomical areas.
 5. **Massage Parlor.** Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment, manipulation or related services exposes specified anatomical areas.
 6. **Sexual Conduct.**
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
 7. **Specified Anatomical Areas.**
 - a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- F. **Agriculture.** The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.
- G. **Agricultural Building or Structure.** An accessory building or structure which is incidental to the use of the same parcel of land for agricultural purposes excluding the business of retail trade.
- H. **Agricultural Business.** A business of sales, service, repair, storage, and processing activities which are directly dependent upon the agricultural community and are necessary to support agricultural enterprise, such as commercial riding stables, greenhouses and nurseries with on-premise retail sales, farm implement dealers, seasonal farm markets, and veterinary clinic and offices
- I. **Alteration.** Any modification, remodeling, change or rearrangement in the structural or supporting members such as bearing walls, columns, or girders, as well as any change in the

doors or windows which affect the means of egress which is undertaken without adding to the floor area height or physical size of the building or structure.

J. **Animal:**

1. **Domestic (Pet).** An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Exotic animals and animals bred, raised or boarded for commercial purposes shall not be considered domestic animals.
2. **Exotic.** Any animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal including elephants, rhinoceroses, lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, badgers, bears, bobcats, coyotes, snakes, crocodiles, alligators, seals, sharks, wolves and primates such as baboons, orangutans, chimpanzees, monkeys and gorillas.
3. **Livestock.** Any of various bird or animal breeds, domesticated so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, llama, ostriches, chickens, ducks, geese, turkeys and swine.

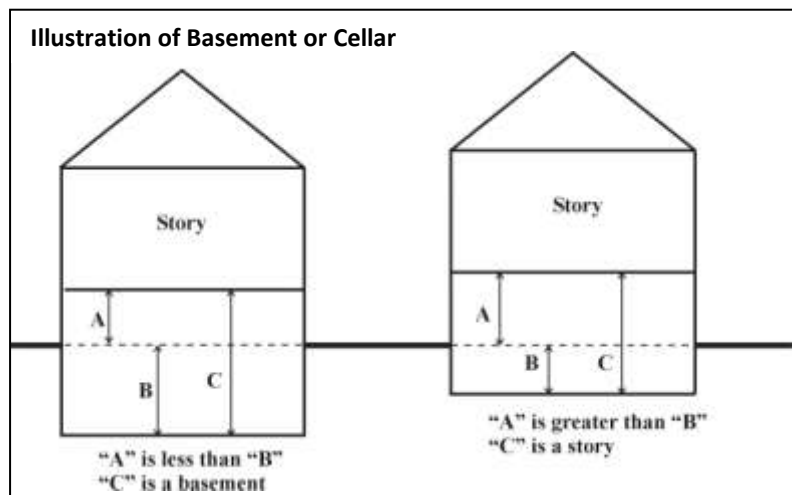
K. **Area of Shallow Flooding.** A designated AO zone on the Village's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

L. **Area of Special Flood Hazard.** Land in the floodplain within the Village subject to a one percent (1%) or greater chance of flooding in any given year.

M. **Base Flood Level.** The highest elevation of a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

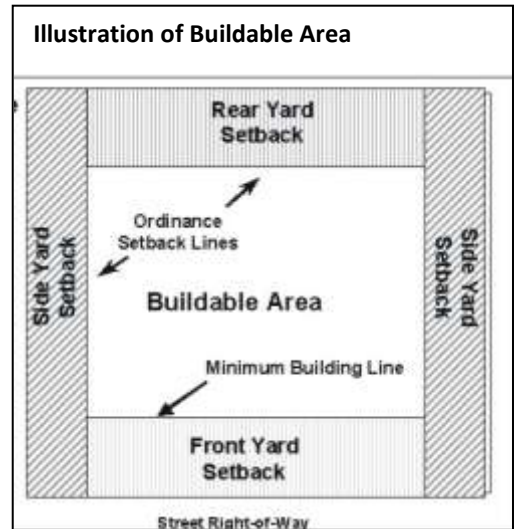
N. **Basement or Cellar.** That portion of a building which is partly below and partly above grade, and having at least half its height below grade.

O. **Bed and Breakfast.** A use within a detached single-family dwelling in which transient guests are provided



a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

- P. **Buffer.** A strip of land between potentially incompatible uses which provides visual separation and aesthetic relief through some combination of screen and greenbelt.
- Q. **Building.** See "structure"
- R. **Building Envelope.** The three-dimensional buildable area within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk.
- S. **Building Inspector.** The officer or other designated authority charged with the administration and enforcement of the Village building code, or his/her duly authorized representative.
- T. **Building Permit.** An authorization issued by the Building Inspector, to move, erect or alter a structure within the Village.
- U. **Buildable Area.** the space remaining within a lot after the minimum setback and open space requirements of this ordinance have been met.



SECTION 2.4 Definitions: C-D

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Cemeteries.** A privately or publicly owned property which provides perpetual care of grounds used solely for the interment of human beings or customary household pets.
- B. **Change of Use.** A use of a building, structure or parcel of land, or portion of a building, structure or parcel of land, which is different from the previous use in the way it is classified in this ordinance.
- C. **Child Care Organization.** A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such care organizations are classified below:
1. **Child Care Center or Day Care Center.** A facility other than a private home, receiving more than six (6) preschool or school age children for group Day-Care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, Day-Care center, day nursery, preschool, nursery school, parent cooperative preschool, play group, or drop-in center.

"Child care center" or "Day-Care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
 3. **Foster Family Home.** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
 4. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
 5. **Family Day-Care Home.** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
 6. **Group Day-Care Home.** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- D. **Cluster Development.** A development where structures are arranged in closely related groups. Units are typically of the same type or design character, and built at higher densities in certain areas of a site while preserving the natural features in others on the same site.
- E. **Commercial Use.** An activity carried out as a use of property for financial gain including, but not limited to retail sales, repair service or salvage operators, business offices, food service, entertainment, and brokerages related to the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during any one (1) twelve (12) -month period.

- F. **Commercial Vehicles.** A vehicle having a gross vehicle weight greater than one (1) ton designed for transportation of commodities, merchandise, produce, freight, animals, or passengers, including buses.
- G. **Commercial Zoning District.** Commercial zoning districts are generally those that provide daily commercial services, goods, and personal needs to residents of the community. More specifically, as referred to in this ordinance, the term shall refer to the C-1, Local Commercial District, C-2, General Commercial District and O-1, Office District.
- H. **Condominium.** The ownership of a dwelling unit and the space enclosed by the description thereof as contained in the master deed for the complex or project, established in conformance with the provisions of the Condominium Act (MCL 559.101 et seq.,).
1. **General Common Area.**
 - a. **Land.** All land described in the site plan not identified as limited common area.
 - b. **Roads.** All internal roads and drives designated in the site plan.
 - c. **Easements.** All beneficial ingress, egress and utility easements.
 - d. **Mechanical and Electrical Equipment and Utilities.** The electrical transmission mains, telephone system, gas distribution, and telecommunications system throughout the site plan, up to the point of lateral connections for building envelope service.
 - e. **Retention Basis System and Storm Drainage System.** The retention basis system and storm drainage system throughout the site plan.
 - f. **Other.** Such other general common area of the site plan, not designated as a common element or limited common area, which are not enclosed within the boundaries of a building envelope, and which are intended for common use or are necessary to the existence, upkeep, appearance, utility or safety of the site plan.
 2. **Limited Common Area.** Subject to the exclusive use and enjoyment of the owner of the condominium unit to which the limited common areas are appurtenant and consist of, but are not limited to, the following:
 - a. **Yard Area.** Each limited common area immediately surrounding a building envelope, as designated on the site plan, is a yard area limited in use to the building envelope which it immediately surrounds.
 - b. **Electrical Transformer.** Each electrical transformer shall be a limited common area appurtenant to the building envelope(s) which it services.
 - c. **Water and Sewer.** Each water well and sanitary disposal system within the individual building envelope is limited in use to the building envelope served thereby.
 3. **Condominium, Detached.** A residential condominium project designed to be similar in appearance to a conventional single family subdivision, except that the limited common areas are arranged in a manner such that clearly defined condominium lots are not created.

4. **Condominium Documents.** The master deed, recorded pursuant to the Condominium Act, the association articles of incorporation, bylaws and any other instrument referenced in the master deed or bylaws which affect the rights and obligations of ownership of a co-owner in the condominium.
 5. **Condominium Lot or Unit Lot.** That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this ordinance.
 6. **Condominium Master Deed.** The condominium document recording the condominium project, as approved by the Village attorney, to which is attached by-laws for the project and approved condominium subdivision plan for the project.
 7. **Condominium, Site.** A condominium project containing or designed to contain structures or other improvements for residential, commercial, office, business, or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed as a condominium unit as described in a master deed. A site condominium, when constructed as an alternative to a platted subdivision, may be also be referred to as a "condominium subdivision" and shall be considered as equivalent to a platted subdivision for the purpose of regulation by this ordinance and other ordinances of the Village.
 8. **Condominium Unit.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- I. **Construction.** The erection, alteration, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, and grading of a lot.
 - J. **Construction Contractors Establishment.** A parcel of land, building or structure, or a portion of a parcel of land, building or structure, used to store trucks, excavation equipment, supplies, tools or materials utilized by construction contractors, subcontractors, and builders.
 - K. **Customary Agricultural Operation.** A condition or activity which occurs on a parcel of land in connection with the commercial production of farm products and includes, but is not limited to, noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, insecticides and herbicides and the employment of labor when such conditions or activities are conducted in a usually or generally accepted manner.
 - L. **Demolition.** The purposeful razing, destruction, or disassembly of a building or structure.
 - M. **Density.** The number of dwelling units per unit of lot area. *See "Lot Area."*
 1. **Gross.** A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot.

2. **Net.** A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot; excluding all open bodies of water, land within the 100 year floodplain, public rights-of-way and areas within overhead utility line easements.
- N. **Detention.** A system, which is designed to capture storm water and release it over a given period of time through an outlet structure at a controlled rate.
- O. **Detention Basin.** A designed (although may be a natural area) facility which stores and detains runoff and releases water at a controlled rate. Size will depend on the design storm event (10-, 25-, 100-year storm). These basins may be dry between runoff events or may be "wet bottom", where a base water level occurs below the elevation of the outlet structure.
- P. **Developed or Development.** The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, the Village approval of a site plan, plat, site condominium, special land use, planned unit development, land division approval, private road approval or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for purposes of this article only, developed or development shall not include the actual construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling.
- Q. **Development Permit.** A permit issued to a person proposing a development which is regulated by this ordinance, which indicates compliance with this ordinance and thereby grants permission to proceed.
- R. **Diameter at Breast Height (dbh).** The diameter measured at a height of four and one-half (4.5) feet above the natural grade.
- S. **Discharge.** The rate of flow or volume of water passing a given point. Expressed as cubic feet per second.
- T. **Driveway.** A private path of travel over which a vehicle may be driven which provides access from parcels of land to a public or private road.
- U. **District, Zoning.** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.
- V. **Drive-Through Facilities.** A business establishment whose method of operation involves the delivery of a service or product directly to a patron inside a vehicle, typically through a service window or other appurtenance to a building, where vehicles are queued within a stacking area or approach to the service window or facility.
- W. **Dwelling.** A detached building or portion of a detached building designed or used exclusively as the home, residence or sleeping place of one (1) or more persons, not including accessory buildings or structures, either attached or detached. In the case of a mixed occupancy where a

building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this ordinance and shall comply with the ordinance provisions relative to dwellings.

1. **Duplex.** A detached building designed for or occupied by two (2) families living independently of each other.
2. **Dwelling Unit.** A building, or portion of a building, designed exclusively for human occupancy providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
3. **Multiple-Family.** A single building with abutting walls containing three (3) or more residential dwelling units.
 - a. **Townhouse.** An attached dwelling unit with common walls, its own front door which opens to the outdoors, and typically, with its own utility connections and front and rear yards. Townhouses are also commonly known as terrace dwellings or row houses.
 - b. **Apartment.** An apartment is an attached dwelling unit with common walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway.
4. **Single-Family.** A detached building designed for or occupied exclusively by one (1) family.

SECTION 2.5 Definitions: E-F

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Educational Institution.** A public or private accredited kindergarten through 12th grade school, college, trade, or business school, nursery school, preschool, or day care center, and/or related administrative offices, excluding a maintenance garage.
- B. **Essential Public Services.** The erection, construction, alteration, or maintenance by public or quasi-public franchised 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. These may include, but are not necessarily limited to: mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith 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. Essential services shall not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment. Cellular telephone or communications towers as defined by this article shall not be considered essential services.
- C. **Extractive Use.** A use involving on-site extraction of surface or subsurface mineral products or natural resources, such as mining and gravel operations. Excavation, including removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, barrow, shale,

limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged.

1. **Cut.** An earth change, which lowers topography or removes soil.
 2. **Fill.** Earth or other materials added to existing topography.
 3. **Grading.** Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.
- D. **Existing Use.** The use of a parcel of land or a structure at the time of the enactment of this ordinance.
- E. **Family:**
1. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
 2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.
- F. **Fence.** An unroofed structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure.
- G. **Fence, Decorative.** An open fence constructed of split rail, wooden pickets, wrought iron or similar material other than a chain link or barbed wire fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line, or to frame a driveway, walkway or planting bed.
- H. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters; or the unusual and rapid accumulation of runoff of surface waters from any source.
- I. **Flood Hazard Area.** Land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.
- J. **Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special hazards and the risk premium zones applicable to the community.

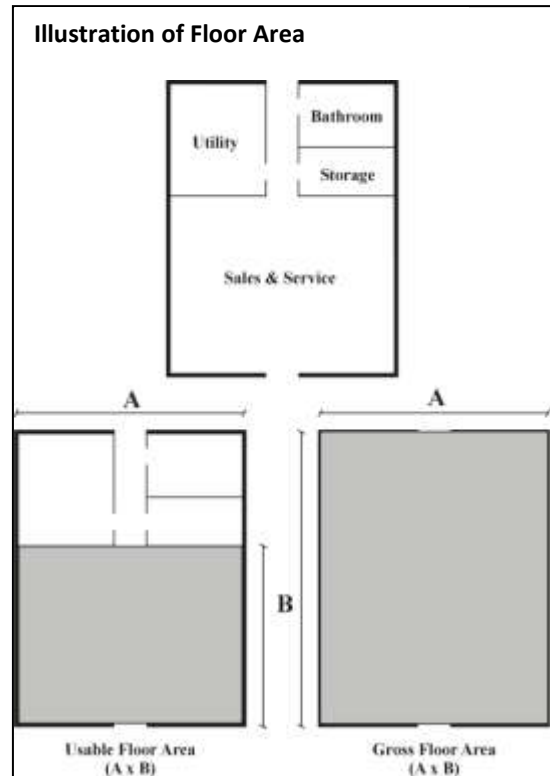
- K. **Flood Insurance Study.** The official report provided by the Federal Insurance Administration, containing flood profiles, as well as the flood hazard boundary/floodway map and the water surface elevation of the base flood.
- L. **Floodway.** The channel of a river or other watercourse and the adjacent land areas designated in the flood insurance study which must be reserved in order to discharge the base flood.
- M. **Floor Area.** The sum of all horizontal areas of the several floors of a building or dwelling unit, measured from the exterior faces of exterior walls, or from the centerline of walls separating dwelling units. Unenclosed porches, courtyards, patios and cellars shall not be considered as part of floor area, except when utilized for commercial or industrial purposes.

1. **Gross Floor Area (GFA).** The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets/storage rooms, thickness of walls, columns, or other features.

2. **Usable Floor Area (UFA).** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers.

a. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of usable floor area.

b. Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the internal faces of the exterior walls.



SECTION 2.6 Definitions: G-H.

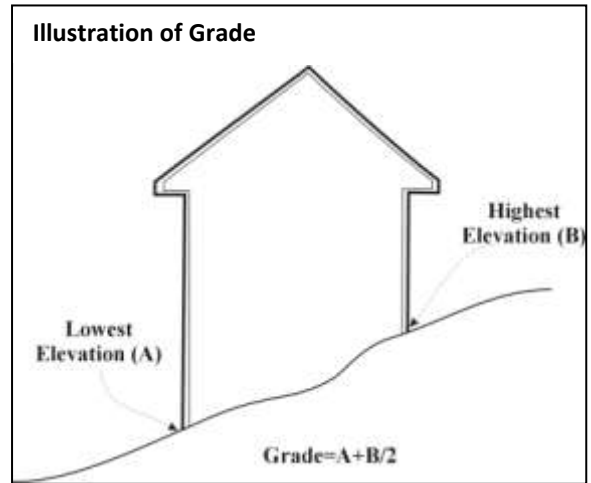
The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Government and Community Service Facility.** A facility under the operational control of a governmental unit, specifically a township, city, village, county, state, the United States Government, or some combination of governmental units, including, but not limited to, offices, libraries, museums, town halls, post offices, courts, and civic centers; excluding vehicle and equipment maintenance, garages and correctional institutions.

B. **Grade.** The average elevation of the finished surface of ground after the development, filling, or excavation of a parcel of land.

C. **Greenbelt.** A landscaped area between the property line and the front yard building or parking setback line.

D. **Greenhouse.** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. *See also "Nursery."*



E. **Groundwater.** The naturally existing water beneath the land surface. The uppermost elevation, or "water table", will fluctuate seasonally or in response to precipitation. Deeper aquifers are used to withdraw water for domestic wells or irrigation.

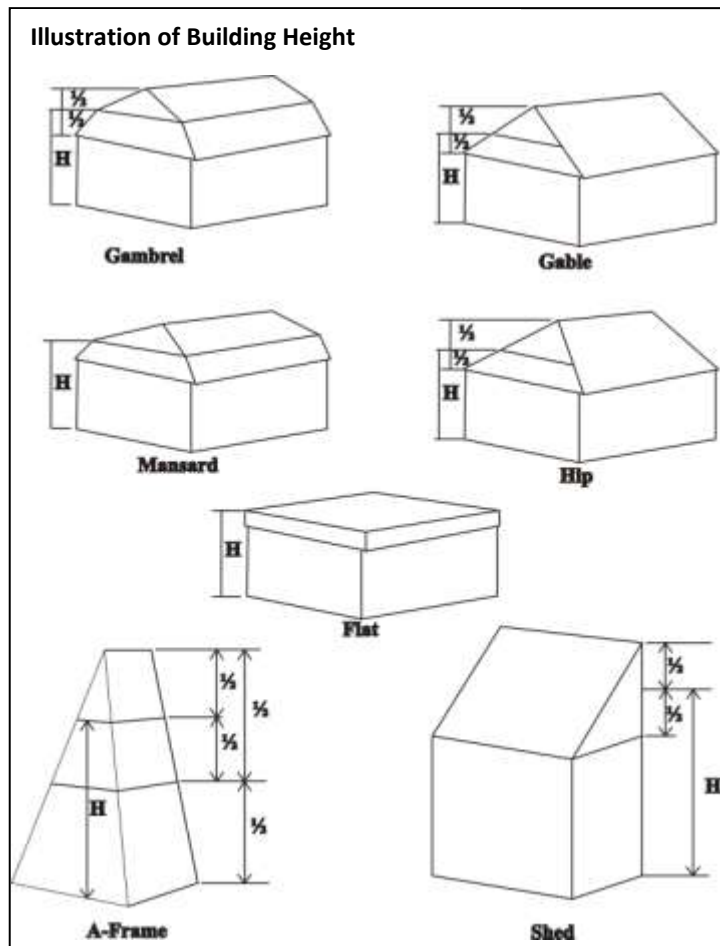
F. **Heavy Equipment.** Commercial vehicles with a gross vehicle weight in excess of ten thousand (10,000) pounds, and excavating, grading, road building, earth moving, demolition, loading and similar equipment.

G. **Height.** The vertical distance of a structure measured from finished grade to the highest point of the structure, or as otherwise provided in this ordinance.

H. **Height, Building.** The vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

I. **Home Occupation.** An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling.

Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home



occupation. A home occupation may also be commonly known as cottage industry, home based business, home marketing network, or home interactive distribution or marketing, but shall not be construed to include day care or state licensed residential care facilities.

- J. **Human Occupancy.** A building or portion of a building primarily used or intended to be used for individuals to congregate for any purpose and which is equipped with means of egress, light, and ventilation facilities in accordance with the state construction code, excluding a building or portion of a building incidental to the use for agricultural purposes of the land on which the building is located, or a building used exclusively for the purpose of storage in which there are no employees or occupants.

SECTION 2.7 Definitions: I-J

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Impervious.** The ground condition (e.g. roads, parking lots, sidewalks, and rooftops) which does not allow percolation or infiltration of precipitation. The condition causes water to accumulate on the surface resulting in increased runoff.
- B. **Industrial Use.** A structure, building, or parcel of land, or portion thereof utilized or inherently designed to be utilized for the purpose of production, manufacturing, processing, cleaning, testing, rebuilding, assembly, distribution, finishing, constructing, or printing of goods or products, and related research and development facilities.
- C. **Junk Yard.** An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes automobile wrecking yards and includes any area of more than two thousand (2,000) square feet, but does not include uses established entirely within enclosed buildings.

SECTION 2.8 DEFINITIONS: K-L

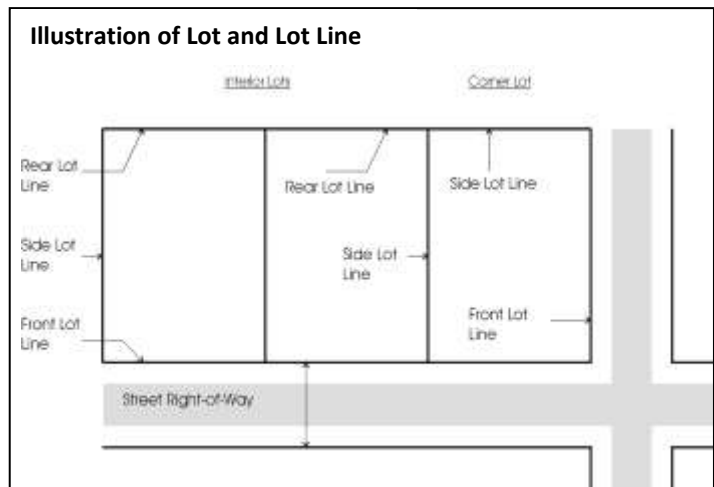
The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Kenel.** Any lot or premises on which three (3) or more animals, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.
- B. **Land Use.** The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.
- C. **Lighting.** The following words, terms and phrases related to lighting, when used in this ordinance, shall have the meanings ascribed to them:
 - 1. **Canopy Structure.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

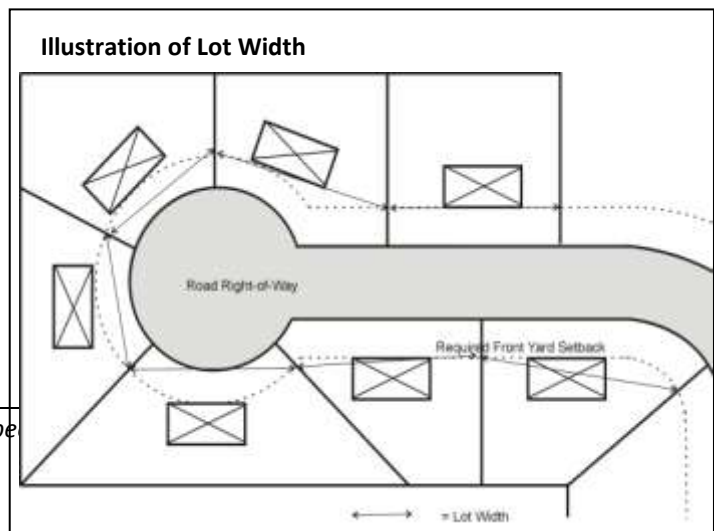
2. **Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
 3. **Glare.** A direct light emitted by a lamp, luminous tube lighting or other light source.
 4. **Lamp.** The component of the luminaire that produces the actual light including luminous tube lighting.
 5. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting
 6. **Light Pollution.** An artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
 7. **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
 8. **Luminaire.** The complete lighting system including the lamp and light fixture.
 9. **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
 10. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.
 11. **Shielded Fixture.** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded.
- D. **Loading Space.** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- E. **Lot.** A parcel of land, or contiguous parcels of land, under one (1) ownership described within fixed boundaries, of sufficient size and configuration to meet the site development requirements of this ordinance and having access to a public road. The word "lot" shall include plot or parcel. A lot need not be a lot of record. A lot may also mean a portion of a condominium project, as regulated by Public Act No. 59 of 1978 (MCL 559.101 et seq.), designed and intended for separate or limited ownership and/or use.

1. **Lot, Corner.** A parcel of land abutting upon two (2) or more streets at their intersection, or upon parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
 2. **Lot, Interior.** A lot other than a corner lot.
- F. **Lot Area.** The total area within the described lot lines of a parcel of land, excluding road right-of-way or the submerged area of any river or lake at the shoreline or ordinary high water mark. Regulated wetlands may be included within the area of a lot, provided at least seventy-five percent (75%) of the minimum required lot area shall be buildable upland area.
- G. **Lot Frontage.** The dimension of a lot measured along the public road right-of-way line or easement.
- H. **Lot Coverage.** That portion of the area of lot that contains buildings and structures measured as a percent of the entire lot area.
- I. **Lot Depth.** The average distance from the front lot line to the rear lot line measured in the general direction of the side lines of the lot.
- J. **Lot Line.** The boundaries of a lot which divide one lot from another lot or from a public or existing private road or any other publicly owned parcel of land.

1. **Lot Line, Front.** A lot line of a length equal to or greater than the minimum lot width as required in this ordinance, which is also the road right-of-way line on interior lots which front a public or private road, in the case of a corner lot each of the lot lines abutting a road right-of-way shall be considered a front lot line.



2. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line twenty (20) feet entirely within the lot parallel to and at a maximum distance from the front lot line. In the case of a corner lot, the lot line opposite the shortest front lot line shall be considered the rear lot line.



3. **Lot Line, Side.** Any lot line other than a front or rear lot line.
- K. **Lot Width.** The horizontal distance between the side lot lines, as measured at the front yard setback line.

SECTION 2.9 DEFINITIONS: M-N

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Manufactured Home.** A structure transportable in one (1) or more sections, eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to required utilities and including plumbing, heating and electrical systems contained therein.
- B. **Manufactured Home Development or Park.** A parcel of land upon which are located two (2) or more manufactured homes whether attached or detached from each other or adjacent buildings which are occupied for residential purposes or are connected to a water supply or wastewater disposal system either on a temporary or permanent basis, regardless of whether or not the development offers rental lots or manufactured homes to the public.
- C. **Master Plan.** The statement of policy adopted by the planning commission. It is the officially adopted guidelines for future community development consisting of a series of maps, charts and written material prepared in accordance with the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended).
- D. **Non-Conformities.** Existing lots, buildings, structures, and uses of land that were lawful prior to the effective date of this Ordinance, but which have become non-conforming under the terms of this Ordinance and its amendments.
- E. **Non-Conforming Building.** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto but which does not conform to the provisions of the Ordinance in the district in which it is located.
- F. **Non-Conforming Site.** A development on a site which met Ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping; but which does not meet the current site standards of the Village.
- G. **Non-Conforming Structure.** A structure or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, which structure does not conform to the location, bulk and/or dimensional requirements of the zoning district in which the lot is located.
- H. **Non-Conforming Lot.** A lot that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, which lot does not meet the minimum area or lot dimensional requirements of the zoning district in which the lot is located.

- I. **Non-Conforming Use.** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendment thereto, but which does not conform to the use regulations of the district in which it is located.
- J. **Nursery.** A parcel of land utilized for the purpose of growing ornamental trees, shrubbery, house plants, flowers, or perennial ground covers from seed or seedlings for the purpose of retail or wholesale trade. *See also "open air business."*

SECTION 2.10 DEFINITIONS: O-P

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Occupancy Certificate.** A written document received from the building inspector stating that the Village building code, as amended, and this ordinance have been complied with as they apply to the construction of a building or structure and the use of a lot and that the building may now be occupied for its previously declared purpose.
- B. **Occupy.** The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.
- C. **Ordinance Administrator.** The individual appointed by the Village Council to administer and enforce this Ordinance.
- D. **Outdoor Recreation and Entertainment Facilities.** Parks, playgrounds, athletic grounds, golf courses, country clubs, riding stables or horse boarding facilities available to the public, ski areas, campgrounds, race tracks (including harness racing and motor racing), music festivals and performances, historical festivals and celebrations, arts and crafts displays and festivals; including buildings and other structures used for recreation, entertainment and as gathering places, for and in connection with any of such outdoor recreation uses and activities, together with associated uses including but not limited to motor vehicle parking, the providing of refreshments and the sale of related merchandise and the providing of related services.
- E. **Parks and Recreation Facility, Commercial.** An indoor or outdoor recreational facility, operated for profit, located near a major travel corridor or a natural feature including but not limited to campgrounds, swimming beaches, boat rentals, athletic fields or courts, bowling alleys, skating rinks, and fitness clubs.
- F. **Parks and Recreation Facility, Noncommercial.** A parcel of land, building or structure used for public or private recreational purposes including, but not limited to, playgrounds, sport fields, game courts, beaches, trails, picnic areas, and leisure time activities.
- G. **Permit.** An official document or certificate issued by an authorized official, empowering the holder thereof to perform a specified activity which is not prohibited by law, but not allowed without such authorization.

- H. **Personal Service Establishment.** Establishments that perform services on the premises, such as, but not be limited to, tailors, beauty and barbershops, interior decorators, photographers, dry cleaners, physical therapy, massage therapists, or professional medical/mental counseling services.
- I. **Planned Unit Development (PUD).** The use of a parcel of land which is planned and developed as a single entity containing the various uses, structures, open spaces, and other elements and which is designated and developed under one owner or organized group.
- J. **Planning Commission.** Village of Maybee Planning Commission.
- K. **Principal Building/Structure.** The structure dedicated to, or the building within which is conducted the primary use of the lot.
- L. **Principal Use.** The primary or predominant purpose to which a parcel of land is devoted as distinguished from an accessory use.
- M. **Private Sanitary Sewage Disposal System.** An individual on-site sewage disposal system as defined in the Mid-Michigan District Health Department Sanitary Code.
- N. **Private Water Supply.** A well or other water supply system approved by the Mid-Michigan District Health Department pursuant to Part 127 of Public Act No. 368 of 1978, as amended, (MCL 333.12701 et seq.).
- O. **Property Owner.** The owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, or his/her duly authorized agent, sole proprietorship, partnership, association, limited liability company, or corporation directly or indirectly in control of a building, structure, or real property.
- P. **Public Assembly.** A building or structure for groups of people to gather for an event or regularly scheduled program. Places of public assembly include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.
- Q. **Public Sanitary Sewer.** A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of treatment or discharge.
- R. **Public Storm Sewer.** A system of pipe owned and maintained by a governmental unit, used to carry storm water collected from multiple sources including streets, downspouts, and parking lots to a discharge point. Discharge points include, but are not limited to, a lake, river or tributary, and retention or detention ponds.
- S. **Public Water Supply.** A waterworks system which provides water for drinking or household purposes to persons other than the supplier of water, except those waterworks systems which supply water to only one living unit, or as further defined in Public Act No. 399 of 1976, as amended, (MCL 325.1001 et seq.)

- T. **Public Watercourse.** A stream or creek which may or may not be serving as a drain as defined by Public Act No. 40 of 1956, as amended, being (MCL 280.1 et seq.) or any body of water which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

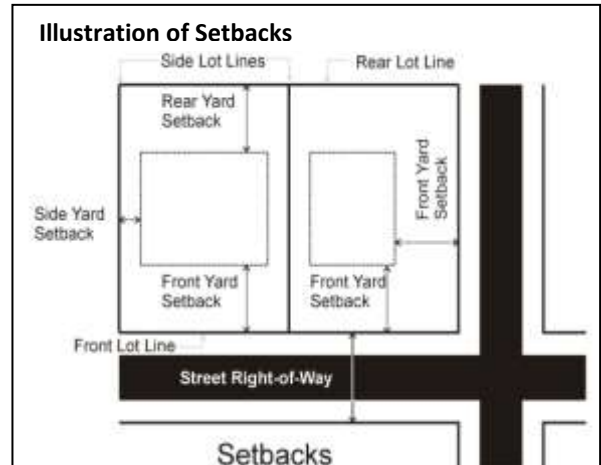
SECTION 2.11 DEFINITIONS: R-S

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Recreational Vehicle.** A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.
- B. **Recycling Center.** A facility in which recyclable material only is collected, separated, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.
- C. **Rehabilitation.** The upgrading of an existing building or part of an existing building which is in a dilapidated or substandard condition.
- D. **Repair.** The reconstruction or renewal of any part of an existing building for the purpose of maintenance.
- E. **Research and Development Establishment.** A structure or group of structures used primarily for research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities or laboratories conducting educational or medical research or testing applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing
- F. **Residential Zoning District.** Residential zoning districts are those generally intended for single family or multiple family residential land uses. More specifically, as referred to in this ordinance, the term shall refer to the R-1, Single Family Residential; R-2, Single Family Residential; and M-F, Multiple Family districts.
- G. **Restaurant.** Any use that includes the sale of food and/or beverages to a customer in a ready-to-consume state.
1. **Carry-Out Restaurant.** A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises.
 2. **Drive-Up/In Restaurant.** A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

3. **Standard Restaurant.** A standard restaurant is a use that involves either of the following:
 - a. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
 - b. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.
 4. **Lounge/Tavern.** A lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.
- H. **Restoration.** The reconstruction or replication of an existing building's original architectural features.
- I. **Retail Store.** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.
- J. **Retention.** A system, which is designed to capture storm water and contain it until it infiltrates the soil or evaporates.
- K. **Retention Basin.** A storm water management facility, either natural or manmade, which does not have an outlet, which captures and holds runoff directed into it.
- L. **Right-of-Way.** A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines, and similar uses.
- M. **Satellite Dish Antenna or Dish Antenna.** An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.
- N. **Secondhand Store.** A building or portion of a building in which the public sale of previously owned goods, having no generally recognized cultural or historic value as antiques, is carried out for a period of time greater than seven consecutive days during a six (6) month period of time.
- O. **Sediment.** Any solid particulate matter which has been moved from the site of origin by erosion, is being transported by water, is in suspension in water, or has been deposited in a water body, wetland or floodplain.
- P. **Setback.** The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which setback describes an area termed the setback on a lot or parcel required by this ordinance for the district in which it is located.

1. **Front.** The minimum required horizontal distance measured from the front lot line which describes an area termed the front setback on a lot or parcel required by this ordinance for the district in which it is located.
2. **Rear.** The minimum required horizontal distance measured from the rear lot line which describes an area termed the rear setback on a lot or parcel required by this ordinance for the district in which it is located.
3. **Side.** The minimum required horizontal distance measured from the side lot lines which describes an area termed the side setback on a lot or parcel required by this ordinance for the district in which it is located.



- Q. **Shopping Center.** A group of retail and other commercial establishments that is planned, owned, and managed as a single property. On-site parking is typically provided.
- R. **Sign.** Every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person.
 1. **Sign, Canopy.** A sign mounted to a non-rigid fabric or awning-type structure that is attached to the building by supporting framework.
 2. **Sign, Ground or Monument.** A sign which is supported by one or more uprights in or upon the ground where parts of the display surface are less than eight feet above the grade to the bottom of the display area.
 3. **Sign, Home Occupation.** A sign containing only the name and occupation used for the purpose of advertising services in conjunction with a lawful home occupation.
 4. **Sign, Incidental.** A sign that identifies street addresses, entrances and exits, safety precautions, identifying logos without text, and other such incidental information, and which sets forth no other advertisement intended to be read from the street.
 5. **Sign, Off-Premises.** A sign located on a different parcel of land, lot or premise than where the business, product, service, event, or person or subject is being advertised.
 6. **Sign, On-Premises.** A sign located on the parcel of land or lot advertising a business, product, service, event, person or subject being offered on such parcel of land or lot.
 7. **Sign, Placard.** A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

8. **Sign, Portable or Temporary.** A sign not constructed or intended for long-term use or that is not permanently affixed to a building, structure or the ground, excluding signs supported on mobile or motor vehicle chassis.
9. **Sign, Wall.** A sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, and which does not have any part of such sign or sign supports extending above the uppermost building line not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment and extensions.
- S. **Site.** Any tract, lot, or parcel of land or combination of tracts, lots, or parcels, which compose an area proposed for development and/or earth change.
- T. **Soil Erosion.** The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.
- U. **Soil Erosion Control.** Structures, facilities, barriers, berms, vegetative cover, basins, and/or any other installation, temporary or permanent, which are designed to minimize and prevent erosion.
- V. **Stop Work Order.** An administrative order which is either posted on the property, or personally served on the owner or the owner's representative, or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this ordinance.
- W. **Storm Drain.** A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, ground water and drainage.
- X. **Story.** That portion of a building, other than a basement or mezzanine as defined herein, included between the surface of any floor and the floor next above it, or, if there is not a floor above, then the ceiling above. A mezzanine shall be deemed a full story when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more. A basement shall be deemed a full story when more than half the height is above ground.
- Y. **Street.** A public or privately owned thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley. A private street shall include any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to two or more existing parcels and/or main buildings.
- Z. **Structural Alterations.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or in the dimensions or configurations, or of the roof and exterior walls or means of egress.

- AA. **Structure.** A combination of materials whether fixed or portable, anything constructed, erected, or artificially built-up which requires a location on or below the surface of land or water, including a part or parts thereof and all equipment within the structure.
- BB. **Subdivision.** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, Public Act No. 288 of 1967, as amended. The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Act or the requirements of the Village land division ordinance.
- CC. **Subdivision Plat.** A map or chart depicting the subdivision of land as regulated by the Land Division Act of 1967, Public Act No. 288 of 1967, as amended.
- DD. **Substantial Improvement.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any compatible alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

- EE. **Swimming Pool.** A nonporous container, which may also include spas, hot tubs or similar devices, containing water having a depth of greater than twenty-four (24) inches or having a surface area of greater than two hundred fifty (250) square feet, or a pool permanently equipped with a water re-circulating system or constructed of structural materials, excepting retention or detention ponds.

SECTION 2.12 DEFINITIONS: T-U

- A. **Temporary Use.** A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure.
- B. **Travel Trailer.** A vehicular portable structure built on a chassis which is less than thirty-two (32) feet in length and is of such a width and weight as not to require special highway movement permits when drawn by a vehicle.
- C. **Use Group.** The classification of a building or structure based upon its purpose as contained in the state construction code.

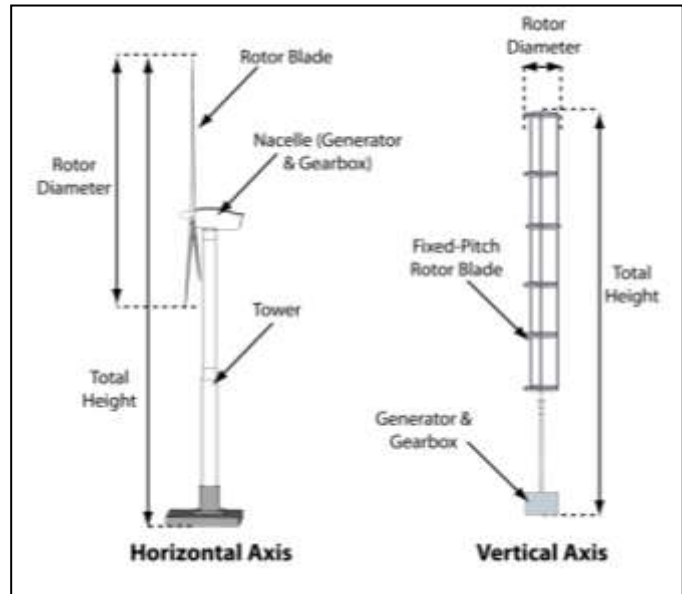
SECTION 2.13 DEFINITIONS: V-W

- A. **Variance.** Permission given by the zoning board of appeals to a property owner to depart from the literal requirements of this ordinance which may occur when compliance with this ordinance would create a practical difficulty or unnecessary hardship on the property owner.
- B. **Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or road, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- C. **Vehicle Repair.** Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.
- D. **Vehicle Service Station.** A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles, including trucks, aircraft and boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this article.
- E. **Vehicle Wash Establishment.** a building or portion of a building, the primary purpose of which is that of washing motor vehicles.
- F. **Veterinary Hospital, Veterinary Clinic.** A commercial activity involving the temporary keeping or treatment of animals. Such use may include accessory boarding services, but only for those animals actively receiving treatment or care.
- G. **Village Building Code.** The duly adopted building code of the Village.
- H. **Village Council.** The legislative body of the Village.
- I. **Village Engineer.** The person designated by the Village to carry out day-to-day engineering responsibilities.
- J. **Village Planning Consultant.** The person designated by the Village to review site plans, advise the Planning Commission and carry out the day-to-day community planning responsibilities.
- K. **Wall.** The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms.
- L. **Watercourse.** An open trench either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two acres which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.
- M. **Watershed.** The total land area which contributes runoff, or is within such an area, to a common outlet, such as a lake or stream. Also known as the drainage area.

N. **Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation and/or aquatic life. Also known as a bog, swamp, marsh, etc. (Public Act 451 of 1994, as amended). The Michigan Department of Natural Resources and Environmental is the authority on the presence and regulatory status of wetlands.

O. **Wind Energy Conversion Systems (WECS).** (commonly known as a "wind turbine" or "windmill") A machine that converts the kinetic energy in the wind into a usable form using a turbine or windmill either on a horizontal or vertical axis, rotor or propeller. A WECS includes 3 primary components, including:

1. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power;
2. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy (also called a "nacelle");
3. The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted;



P. **Wind Energy Conversion System Height** (ground mounted only): The distance measured between the ground (at grade) and the highest point of a WECS.

Q. **Wireless Communication Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.

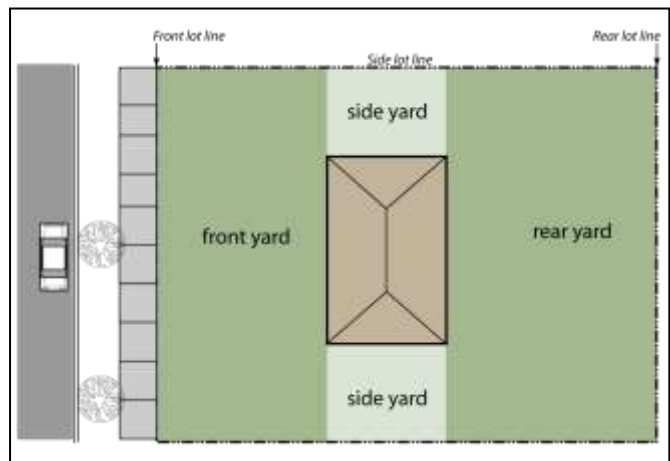
1. **Alternative Tower Structure.** Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
2. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), commercial wireless telecommunications signals or other communication signals.

3. **Backhaul Network.** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
4. **Co-Location.** Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the Village.
5. **FAA.** The Federal Aviation Administration.
6. **FCC.** The Federal Communications Commission.
7. **Height.** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
8. **Preexisting Towers and Preexisting Antennas** Any tower or antenna for which a building permit or special land use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
9. **Tower.** A self-supporting monopole structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. Tower does not include lattice structures or structures supported by guy wires or cables.

SECTION 2.14 DEFINITIONS: Y-Z

- A. **Yard.** An open space 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 in this ordinance.

1. **Front Yard.** An open space extending the full width of the lot and including all area between the front building line and the front lot line.
2. **Rear Yard.** An open area extending across the full width of the lot and including all area between the rear building line and the rear lot line.
3. **Side Yard.** An open unoccupied area between a main building and



the side lot lines, extending from the front yard area to the rear yard area.

4. **Required Yard.** The required yard is that portion of the front, side, or rear yard that is required to remain clear of buildings and structures. Also known as the “required setback.”

- B. **Zoning.** The dividing of the Village into districts of a number and shape considered best suited to carry out the purposes of the zoning act and the creation of uniform regulations throughout each individual district. Such districts are referred to as zoning districts in this ordinance.

- C. **Zoning Act.** The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

- D. **Zoning Administrator.** See “*Ordinance Administrator*”

- E. **Zoning Board of Appeals (ZBA).** The Village of Maybee Zoning Board of Appeals.

- F. **Zoning Ordinance.** The Village of Maybee Zoning Ordinance.