

ARTICLE 2 DEFINITIONS

Section 2.01 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and either includes any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary, the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for, or designed to be used or occupied.
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or" the conjunction shall be interpreted as follows:
 - 1. "And" indicated that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "Village" is the Village of Sterling in the County of Arenac, State of Michigan, the "Village Council", "Board of Appeals" and "Planning Commission" are, respectively, the Village's Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Village.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. "Days" means calendar days unless otherwise stated.

Section 2.02 DEFINITIONS

1. Definitions Of Words and Phrases

Accessory Building: Accessory Building, Use, or Structure. A building, use, or structure that is subordinate in size and purpose to the principal structure and that is not attached to the principal structure. It does not include any building or structure designed or used for human habitation.

Accessory Dwelling Unit: Also known as a "granny flat". A secondary dwelling is a unit established as part of and clearly subordinate to the principal structure.

Accessory Use: A use or structure subordinate to the principle use and located on the same premises serving a purpose customarily incidental to the principal use. Example, a retail business is not considered customarily incidental to a residential use. Residential accessory use may include storage of household goods, parking area, gardening, private swimming pools, private shelters, and other similar uses.

Adult Entertainment Facilities:

A. **Adult Bookstore:** An establishment having more than fifty (50) percent of its stock in trade, magazine, and other periodicals with an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

B. **Adult Motion Picture Theatre:** An enclosed building, with a capacity of fifty (50) or more persons, used for presenting material with an emphasis on matters depicting, describing, or relating to "specified anatomical areas" (as defined herein), for observation by patrons therein.

C. **Adult Mini Motion Theatre:** An enclosed building with a capacity for less than fifty (50) persons, used for presenting material with an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein), for observation by patrons herein.

D. Specified Anatomical Areas:

1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region, and buttock:
 - b. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

E. Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or sodomy.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Agriculture: The art of science of cultivating the ground including the production of crops and livestock on a farm.

Alterations: Any changes, additions, or modification in use or type of occupancy; any change in structural members of a building, such as walls, partitions, columns, beams, or any changes which may be referred to herein as "altered" or "reconstructed"

Animal Unit: A unit of measure used to compare differences in the production of animal waste produced on a regular

basis by a slaughter steer or heifer, with the following equivalencies applicable to other livestock:

slaughter steer/heifer:	1.00 animal unit (all cattle)
horses:	2.00 animal units
mature dairy cow:	1.40 animal units
swine:	0.40 animal units
sheep:	0.10 animal units
all fowl:	0.05 animal units

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

Artificial Residential Pond: A man-made water body on a singular parcel of land containing or designed to contain a total water surface area of at least ten thousand (10,000) square feet and is an accessory use to the principle residential use of the parcel.

Attached Building: A building, which shares at least ten (10) feet of a wall in common with the primary structure. This definition does not include attachment by a roof connected to another building or a breezeway. SEE Definition: Section 2.02 Breezeway of this Ordinance. - **Verify with Michigan Bldg. Code

Automobile Dealership: A building or premises used primarily for the sale of new or used automobiles not including farm equipment and recreational vehicles.

Automobile Service and Repair Station: Buildings and premises for the primary purpose of engine rebuilding, rebuilding, or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

Basement: That portion of a building, which is partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height, measurement, nor counted as floor area.

Bed and Breakfast: A structure, which was constructed for single family residential purposes, but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal, provided that certain zoning requirements are met.

Berm: A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard: Any structure or portion thereof upon which a sign or advertisement is used as an outdoor display for the purpose of making anything known to the public, but not including bulletin boards used to display official court, church, or other public office notices.

Blight: a thing that spoils or damages something causing the value of a property to be substantially reduced.

Blighted Structure: Any dwelling, garage, or outbuilding, or any factory, shop store, office building, warehouse, or any other structure or part of a structure, which, because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended.

Breezeway: A roofed passageway, open or enclosed, and connecting the primary structure on a site with an accessory building on the same site. A breezeway does not constitute attachment.

Buffer Area: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties in different zoning districts.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

Building Height: In the case of a principal building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-1 at end of this Section). The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.

Building Lines: A line established in a general parallel to the front street line between which line and the front street line no part of a building shall project, except as otherwise provided by this ordinance.

Cabin/Cottage Complex: Grouping of commercial multiple cabins/cottages on a site and used for purposes of renting or leasing to transient clientele.

Common Open Space: A parcel of parcels of land or an area of water, or a combination of land and water within the site designated for a PUD, site condominium or subdivisions and designed and intended for use or enjoyment of all the residents of the PUD, site condominium or subdivisions. Common open space may contact such complementary structures and improvement as are necessary and appropriate for the benefit and enjoyment of all the residents of the PUD site condominium.

Campground: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable structure designed to be carried or towed by a vehicle and placed for temporary living quarters.

Canoe, Kayak and Tube Livery: A place where canoes, kayaks and tubes are stored rented and transported to and from access sites.

Carport: A roofed structure that covers a driveway or other parking areas; providing space for the parking of motor vehicles, other vehicles, recreational equipment, other equipment including yard equipment, and is enclosed on not more than three (3) sides.

Cellar: See definition for "Basement".

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

Changeable Message Board: A sign which identifies an institution or organization on the premises of which it is located, and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

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

Clinic: A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that such patients are not lodged therein overnight.

Commercial Agriculture: The use of land and/or structures for the growing and/or production of farm products for income.

Communication Tower: Any structure or system of, including but not limited to, wires, poles, rods, reflecting discs, or similar devices attached to the ground or any other structure or any other equipment used to facilitate, improve, support, or constructed primarily for the purpose of transmission, reception or transfer of radio, telephone, television, microwave, other telecommunication signals and similar communication purposes, including but not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structures and supports thereto.

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

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

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

Condominium Unit: That portion of a condominium project or condominium subdivision which is 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. A condominium unit may consist of either vacant land or space, which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance including minimum lot size, minimum lot width, maximum lot coverage and setbacks.

Day Care Center: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less the twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center 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 childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Childcare center or day care center does not include any of the following:

- a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
- b. A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.
- c. A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

Day Care Home; Family: A private home in which the operator permanently resides as a member of the household in which one (1) but less than (7) minor children are received for care and supervision for periods of less than 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. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

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

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Village has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Village. A deed restriction may also be further defined as allowed by statute and/or case law.

Density: The number of existing or proposed dwelling units per net acre of land. Net acreage is the gross acreage of a lot, less the rights-of-way for streets.

Districts: A portion of the unincorporated area of the Village of Sterling within which on a uniform basis, certain uses of land buildings are prohibited as set forth in this ordinance, or withing which certain yards and other open spaces are required, or which certain lot areas are established or withing such a combination of such aforesaid conditions are applied.

Drive-in: A business so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in the motor vehicle rather than within a building or structure or to permit patron self-service.

Drive-through: An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and a staging area specifically designed for motor vehicles to serve patrons while in their motor vehicles rather that within a building or structure, for carry-out and consumption or use after the vehicle is removed from the premises.

Driveway: A means of access for vehicles, bicycles, motorcycles, foot traffic, or other suitable means of transportation, from a parcel of property to a parking or loading area, or other public area, garage, dwelling, or other structure or area on the same lot, with said driveway to be located and constructed in accordance with the requirements of this Ordinance and any requirement of the Arenac County Road Commission or State of Michigan.

Dwelling: A building, or portion thereof, designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

Dwelling Group: A group of two or more single family, semi-detached; or multiple dwellings occupying a parcel of land in common and having yards or courts in common.

One-Family Dwelling: A dwelling occupied by one family and so designed and arranged as to provide living, cooking, and eating space for one family only.

Two-Family Dwelling: A dwelling occupied by two families and so designed and arranged as to provide living, cooking, and eating space for two families only.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for the building excavations, fill drainage and the like, shall not be considered.

Essential Services: "The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, or overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, but not including buildings, except those necessary to house the foregoing, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare."

Equipment, Commercial: Includes but is not limited to such items as machinery, utility trailers, lawn mowers, snow blowers, garden/landscape equipment, farm type tractors, farming equipment, landscape equipment, earthmoving equipment, construction equipment, portable fuel storage tanks, equipment trailers, wood harvesting equipment, wood working equipment and other such items.

Equipment Residential: Includes but is not limited to such items as utility trailers, lawn mowers, snow blowers, garden/landscape equipment, small farm type tractors and other such items.

Excavating: The removal of sand, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be higher. However, this term shall not apply to the removal of sand, gravel, or fill dirt when such removals is made in connection with the construction of a building or structure.

Extraction Operation: The removal, extraction, or mining of sand, gravel, or similar material for commercial gain.

Family:

- A. A group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or
- B. A collective number of individuals domiciled together in one dwelling until 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, lodge, coterie, or organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however that land to be considered a farm hereunder shall include a continuous parcel of twenty (20) acres or more in area.

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.

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

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

Flood Zones: (which include floodplains and floodways) are those land areas that are subject to occasional flooding as defined or determined by the Federal Government or the State of Michigan.

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

Floor Area, Minimum (for a dwelling unit): The sum of all gross horizontal areas of the stories of a dwelling unit, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, courtyards, garages, breezeways, or patios shall not be considered as part of the minimum floor area.

Floor Area, Usable: Any floor area within outside walls of a building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings.

Footing: That portion of the foundation of a structure, which spreads and transmits loads directly to the soil or pilings.

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

- a. **Family Home:** A facility, which provides foster care to six (6) or fewer persons.
- b. **Group Home:** A facility, which provides foster care to seven (7) or more persons.

Fractional Ownership: Purchase of partial ownership in a property and/or unit with each owner having a predetermined number of days of a year to use the unit.

Frontage: All the property fronting on one side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of a dead end street, or Village boundary measured along the street line.

Front Yard: A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. When the property adjoins water or has a view of the water the area that is waterfront or water view will be the front yard of the property.

Garage - Private: A building used primarily for the storage of self-propelled vehicles for the use of occupants of a premises on which such building is located. The foregoing definition shall be construed to permit the storage on any one lot, for the occupant thereof, of not more than one (1) commercial licensed commercial vehicle but not to include utility trucks, wreckers, garbage pick-up trucks, and septic tank pumps.

Grade: The established "grade" of the street or sidewalk shall be the elevation of the curb at the mid-point of the front of the lot, where no curb exists, the grade shall be the average elevation of the street adjacent to the property line. When the word "grade" is used herein in relation to a building, it shall mean the line on the foundation wall where the ground meets or is intended to meet the wall, unless such has been officially established.

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state before man-made alterations.

Guest House: An accessory building, or part of an accessory building, the use of which is to provide basic, temporary, sleeping, eating, bath and toilet facilities, for visiting members of the property owner's family or friends. Guest Houses shall not be rented, and a visitor's stay is limited to no greater than sixty (60) continuous days.

Hardship: (For ZBA Variances) The deprivation resulting from application of the ordinance (was) so great as to effectively prevent the owner from making any use of the land.

High Water Mark: The line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and vegetation.

High Water Mark, Ordinary: The Ordinary High-Water Mark, which has a level established by law.

Home-Based Business: A Business use conducted for compensation incidental to a dwelling by the persons residing within the dwelling and a limited number of non-resident employees, which is limited to activities of a predominantly service nature that are primarily conducted off-site.

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the character thereof.

Horse: Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

Hospital: An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense and operating under license from the Michigan Department of Public Health.

Household Pet: Animals that are customarily kept for personal use of enjoyment within the home which are any of various pets domesticated to live and breed in a tame condition. Household pets shall include only the following: domestic dogs, domestic cats, domestic tropical birds, domestic tropical fish, domestic reptiles, domestic ducks, domestic rabbits, domestic pot belly pig, and domestic rodents, but excluding animals which meet this Ordinance's definition for "livestock" or "wild animal."

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Junk: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, plastic, cordage, or scrap materials that are damaged or deteriorated whether or not the same could be put to any reasonable use, except if in a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle which is licensed or not, any motor vehicle which is inoperative for any reason, and which is not in a completely enclosed building.

Junk Yard: Any establishment or premises where worn-out or discarded material is bought, kept, sold and/or stored; also any premises upon which one (1) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more. Junk yards containing one (1) or more vehicles shall maintain a solid fence or structure eight feet high.

Kennel: A lot or premises on which three (3) or more dogs, cats, or other domestic pets, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, grooming, sale, or transfer.

Kitchen: Any room principally used, intended, or designed to be used for cooking or the preparation of

food. The presence of a range or oven, refrigerator and sink shall be considered as establishing a kitchen. The meaning of "kitchen" shall exclude a bar, pantry, butler pantry or bathroom.

Livestock: Cattle, sheep, goats, llamas, swine, poultry, and other animals or fowl, which are being produced primarily for commercial profit or slaughter, or home use, but excluding animals which meet this Ordinance's definition for "wild animal."

Living Space: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation; or a combination there of, except for a floor used only for storage purposes. Space intended and designed for human occupancy must be heated by a conventional permanent heating system and finished with walls, floor, ceiling, permanently installed electrical outlets and must comply with the County Building Code.

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.

Lot: Any portion, piece or division of land.

Lot Area, Net: The total horizontal area within the lot lines, as defined of a lot. For lots fronting or lying adjacent to private streets, lot areas shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the center line of said private street.

Lot, Corner: A lot located at the intersection of two (2) streets or a lot bound on two (2) sides by a curving street, and any two (2) tangent of which form an angle of one hundred thirty-five (135) degrees or less measured on the lot side. The point of intersection of the street lines is the "corner." In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

Lot Coverage: The amount of a lot, stated in terms of percentage that is covered by all buildings and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks, or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth Of: The main horizontal distance from the front street line to the rear lot line.

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. (See Figures 2-3 and 2-4 at end of this Section)

Lot Lines: The property lines bounding the lot.

- a. **Front Lot Line:** A front lot line, in the case of a lot abutting upon one public street or private street means the line separating such lot from such street right-of-way. In the case of any other lot the owner shall for the purpose of this ordinance have the privilege of electing any street lot line, the front lot line, providing that such a choice, in the opinion of the Administrator, will not be injurious to the existing or desirable future development of adjacent properties.
- b. **Rear Lot Line:** A rear lot line is ordinarily that lot line which is opposite and most distance from the front lot line of the lot.
- c. **Side Lot Line:** A side lot line is any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: One whose dimensions are shown on a plat recorded in the office of the County Register of Deeds or a lot described by metes and bounds in a recorded deed or other recorded

instrument transferring a legal or equitable interest in the title.

Lot, Through: An Interior lot having frontage on two (2) more or less parallel streets. (See Figure 2-2 at end of this Section).

Lot, Width: Horizontal distance between the side lines, measured at right angle to the side lot line. Where side lot lines are parallel, the lot side shall be considered as the average of the width between each side lot lines.

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by the Arenac County Road Commission or as a principal or minor arterial by the Michigan Department of Transportation.

Mini Storage (Warehouse) Facilities: A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares, which are generally not used on a daily basis.

Minor Automobile Service and Repair Station: Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work, or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair. Retail sales may include convenience store merchandise sold primarily to patrons purchasing fuel or services.

Minor Thoroughfare: A public street identified as a county local road by the Arenac County Road Commission, except that no street in a platted subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.

Mixed Use: A deliberate mix of housing, civic uses, and commercial uses, including retail, restaurants, and offices designed to balance development with natural feature preservation, including wetlands, streams, rivers, woodlands, and topography, creating commercial/residential land use patterns that focus on local surrounding residential development, which enhances the character of the Village and region.

Mobile Home Park: This park means an area of land upon which two or more occupied trailer coaches or mobile home are harbored either free of charge or for revenue purposes and shall include any building, structure, vehicle, or enclosure used or intended for use as part of the equipment of such trailer coach park.

Modular/Manufactured Housing Unit: Any enclosure or vehicle used for living, sleeping, business or storage purposed on a foundation or wheels which is, has been, or reasonably may be equipped with wheels or other devices for transporting it from place to place, whether by motive power or other means suitable for year-around occupancy and containing both facilities and self contained toilets, This definition is not intended to include travel trailers or camper buses.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations, which are designed as integrated units of individual rooms under common ownership.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chasses, intended for recreational activities and temporary occupancy.

Motor Vehicle: A vehicle currently registered/licensed with the owner's State of residence and fully operational, but for the purposes of this ordinance does not include "recreational vehicle", "recreational equipment" and "equipment" as defined in Definitions: Section 2.02 of this Ordinance.

Municipal Sewage Treatment Facility: A sewage treatment system owned by a Village, charter Village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Municipal Water Supply: A water supply system owned by a Village, charter Village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

Nonconforming Lot of Record (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located. This definition is to expand upon any definition of a non-conforming lot of record, and/or substandard lot as may be provided by relevant statute and/or other law.

Nonconforming Structure: A structure which lawfully occupies a building site or land at the time of adoption of this ordinance and which does not conform with the regulations of the district in which it is located.

Nonconforming Use: A use which lawfully occupies a building or land at the time of adoption of this ordinance and which does not conform with the use regulations of the district in which it is located.

Nonconforming Use or Structure-Class A: A nonconforming use or structure, which has been designated to be allowed to be perpetuated and improved under the provisions of this ordinance.

Nonconforming Use or Structure-Class B: A nonconforming use or structure, which has been designated to be allowed to be perpetuated with the restricted provisions of this ordinance.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line, which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use, which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right to Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to. This definition may be expanded upon as a nuisance may be defined at law.

Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Open Space, Common: A parcel or parcels of land or an area of water, or a combination of land and water within the site designated for PUD, site condominium or subdivisions and designed and intended for use or enjoyment of all the residents of the PUD, site condominium or subdivisions. common open space may contain such complementary structures and improvement as are condominium or subdivisions including common clubhouses, pools, tennis courts and similar facilities.

Open Space, Dedicated: Common open space dedicated through permanent recorded deed restrictions or easement.

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

Parcel: A part or portion of land; in this ordinance it is to be considered synonymous with the term lot.

Park: Any non-commercial recreational area.

Parking Area, Off-Street: A land surface or facility providing vehicular parking spaces off a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

Parking Space: An area of land provided for vehicles off a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of a permitted vehicle.

Planned Unit Development: A parcel of land initially under single ownership or control, which contains two or more principal buildings, and one or more principal uses planned and constructed as a unified development.

Planning Commission: The Planning Commission of the Village.

Plat, Subdivision: A subdivision plat shall for the purpose of this ordinance mean the proposed division of land in accordance with the subdivision Control Act of 1967, Act No. 288 of Public Acts of 1967, as amended.

Plot Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan and is required for such uses as single-family dwellings and two (2) family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

Pole Barn: A structure with sides consisting of corrugated steel or aluminum panels supported by poles set in the ground typically at eight-to-ten-foot intervals.

Porch: A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building and for the purpose of sheltering from the sun, rain, and weather, exclusive of vehicles.

Principal Building: A building on a lot in which the principal use exists or is served by.

Principle Structure: A building on a lot in which the principal use exists or is served by. In a residential district, the primary dwelling shall be deemed to be the principal structure on the lot. In a commercial or industrial district that may have more than one structure in which the principal use exists, the Zoning Administrator shall determine which building shall be deemed the "Principal Structure".

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Road: A private way or means of approach, which provides access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Private Sanitary Sewage Disposal System: An individual on-site sewage disposal system as defined in the County Health Department Sanitary Code.

Private Water Supply: A well or other water supply system approved by the County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1979, as amended.

Prohibited Use: A use of land, which is not permitted within a particular zoning district.

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 discharge.

Public Facilities: Public administration buildings, parking lots, cemeteries, parks, schools, libraries, substations, or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots and any such similar uses.

Public Utility: Any person, firm, or corporation, municipal department or board, duly authorized to furnish and furnishing under state, or municipal regulations to the public, electricity, gas, steam, communications, transportation, water service, sewers or sewage treatment, or any other service normally considered as a public utility.

Recreational Equipment: Includes, but is not limited to boats, watercrafts, snowmobiles, ORV, ATV, racing vehicles, go carts or other such items and to include any trailers used for transporting recreational equipment.

Recreational Vehicle: A vehicle operable and currently registered/licensed with the owner's State of residence. A recreational vehicle is primarily designed and used as temporary living quarters for recreational, camping or travel purposes. A recreational vehicle includes a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, not to include "mobile homes" as defined in Definitions: Section 2.02 of this Ordinance.

Recreational Vehicle Park: All lands and structures, which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Residential Property: Property zoned for single-family dwellings, townhouses, multifamily dwellings, mobile home parks, apartments, and condominiums. This property does not include and falls under different zoning and taxation regulations than commercial and industrial property.

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

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one (1) or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. A cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Roadside Stand: A structure, which is used seasonally for display and sale of agricultural produce. The seasonal operation of a roadside stand shall not be considered a commercial use.

School: An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan, but excluding profit-making private trade or commercial schools.

Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

Seasonal Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home. A seasonal mobile home park does not include a campground licensed pursuant to P.A. 368 of 1978.

Secondary Containment: A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.

Setback: The minimum horizontal distance between the front of the building excluding steps, and unenclosed porches and the front street or right-of-way line.

- a. **Front:** Minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.
- b. **Rear:** The minimum required unoccupied distance, extending from the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
- c. **Side:** The minimum required unoccupied distance, extending from the front setback to rear setback, between the principal and accessory buildings and the side lot line.

Setback Lines: Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within setback lines" means between the setback line and the nearest boundary of the highway right-of-way.

Shooting Range: Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms, which are aimed at targets, skeet, or trap, or where a fee is paid in order to hunt animals within a confined area.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises and intended to convey information to the public. (Refer to Article 22: Signs, for additional definitions pertaining to signs.)

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. Depending upon the proposed land use, site plan approval is generally delegated to the Planning Commission or Village Council.

Solid Waste: Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercials and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

Special Land Use: Uses and structures, which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Articles 7: Procedures for Special Land Uses.

Stable, Commercial: A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

Stable, Private: An accessory structure and/or land use where horses are kept for private use by the occupants of the parcel and are not for hire, remuneration or sale.

State Licensed Residential Facility: Means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervisions or care.

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

Story: That part of a building, except a mezzanine, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall be considered a story if:

- a. The distance from finished grade to the finished surface of the floor above the basement is more than six (6) feet for more than (50) percent of the total perimeter finished grade along the basement; or
- b. The distance from finished grade to the finished surface of the floor above the basement is more than six (6) feet for at least a single twelve (12) foot linear distance.

Story, Half: That portion of a story, which consists of half of its total height.

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street: A state highway, county road, dedicated public thoroughfare or approved private road, which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

Structural Alterations: Any change in the supporting members of a building or structure such as the bearing walls, columns, beams or girders, or any change in the width or number of exits or any sub-standard change in the roof or any additional floor space added to the building through an addition.

Structure: Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached projecting shall be construed to be a structure.

Subdivision: The division of a lot, tract, or parcel of land into five (5) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. This division of land is regulated according to the Michigan Land Division Act. The meaning of the term subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.

Swimming Pool: Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory use structure for purpose of computing lot coverage.

Transient: A person that occupies a dwelling unit for less than a year.

Travel Trailer: A recreational vehicle designed to be used for temporary residence purposes.

Village Council: Elected members of the governing Board of Trustees of Village of Sterling.

Village Engineer: The staff engineer or consulting engineer of the Village.

Use: The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance when such variance will result in the spirit of the Zoning Ordinance being preserved, public safety secured, and substantial justice done, and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Ordinance would result in practical difficulties.

Wall: A free-standing vertical construction intended to serve as a fence, landscaping screen or containment screen.

Wall, Retaining: A free-standing vertical construction intended to retain backfill or natural soils or stones.

Wild Animal: Any animal not domesticated by humans, or which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or which a person is prohibited from possessing by law.

Yard: An open space of uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

- A. **Front Yard:** A yard extending across the full width of the lot and lying between the front line of the lot and nearest line of the building.
- B. **Rear Yard:** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest lot line of the building.
- C. **Side Yards:** A yard between the sideline of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

Figure 2-1-A

**PRINCIPAL
BUILDING HEIGHTS**

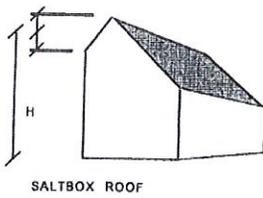
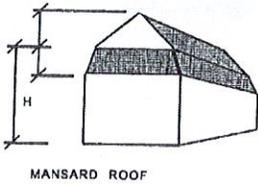
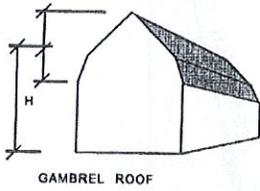
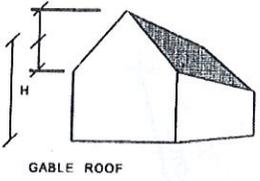
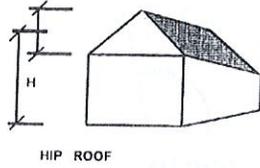
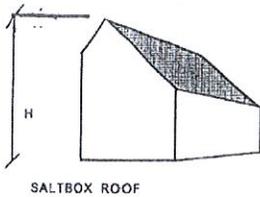
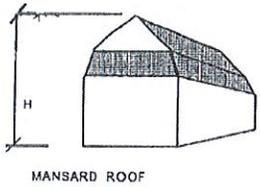
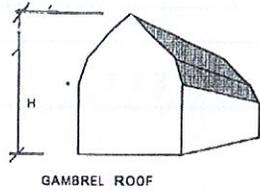
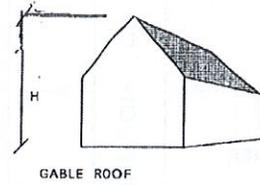
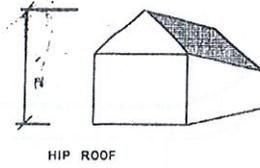


Figure 2-1-B

**ACCESSORY
BUILDING HEIGHTS**



**Figure 2-2
LOT TYPES**

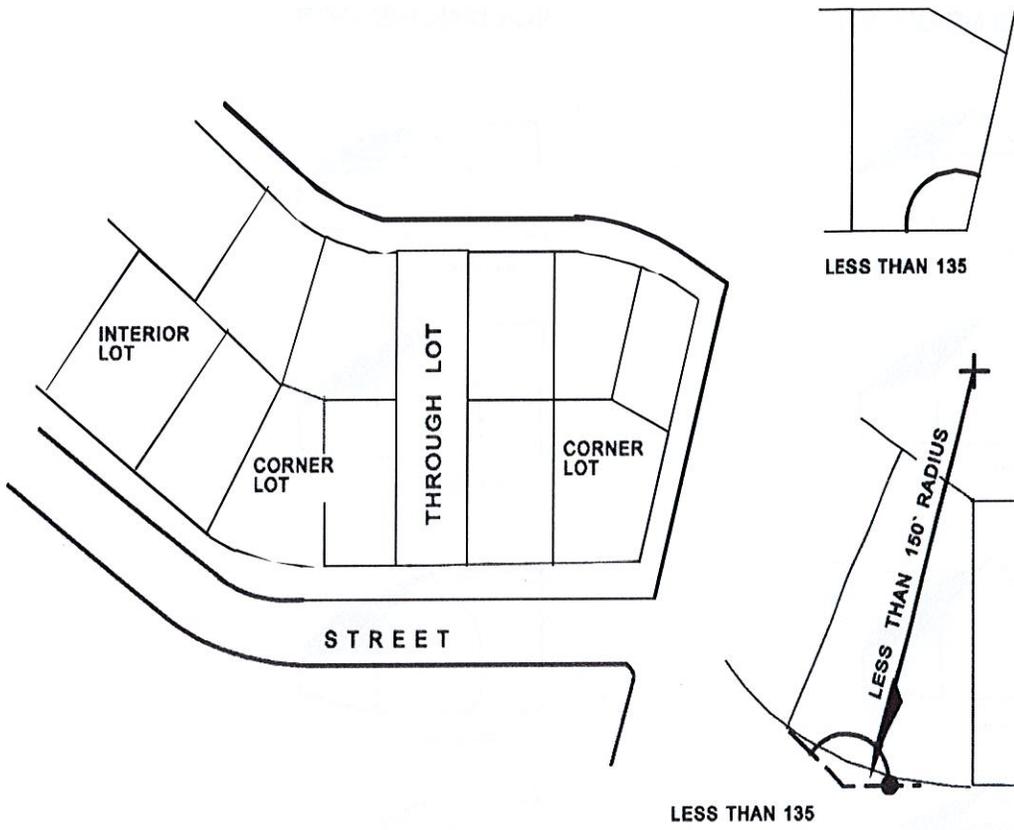
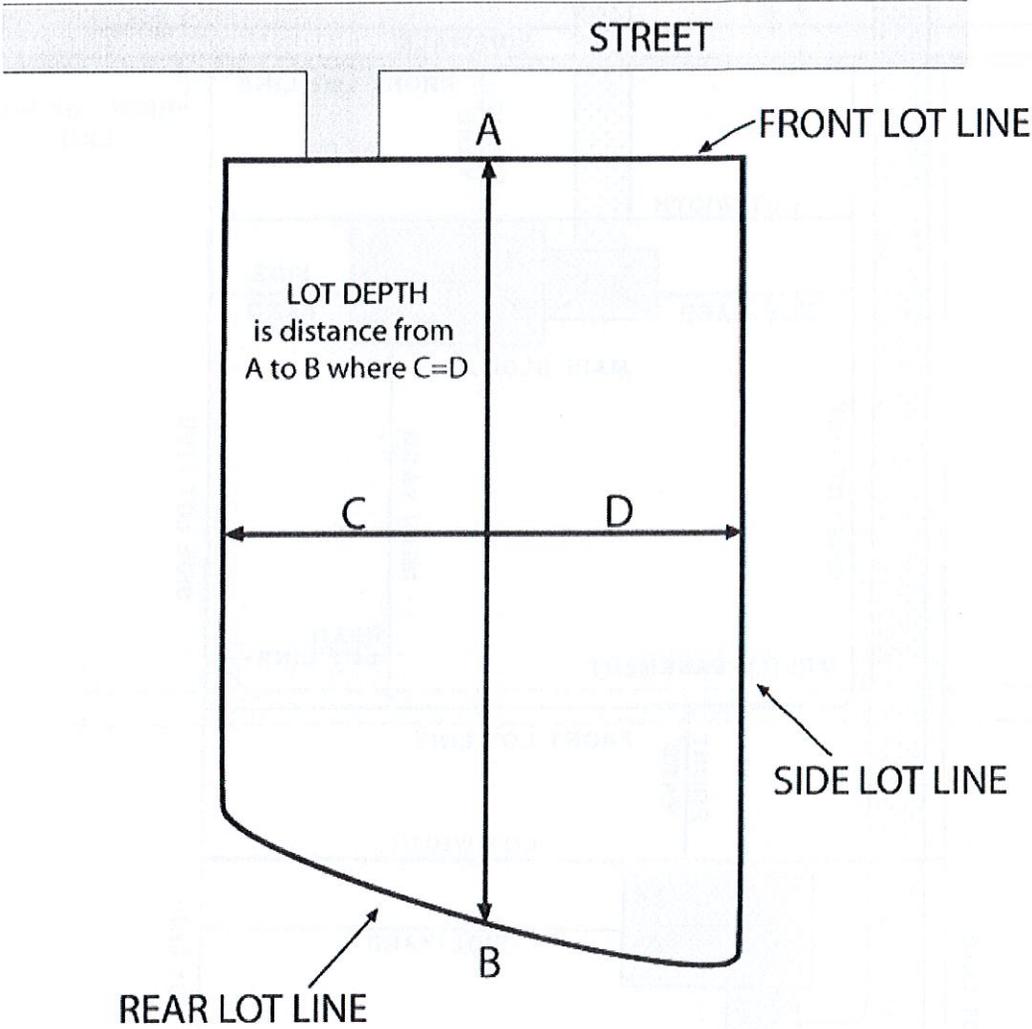


Figure 2-3
LOT DEPTH



Figures 2-4
 Lot Lines and Yards

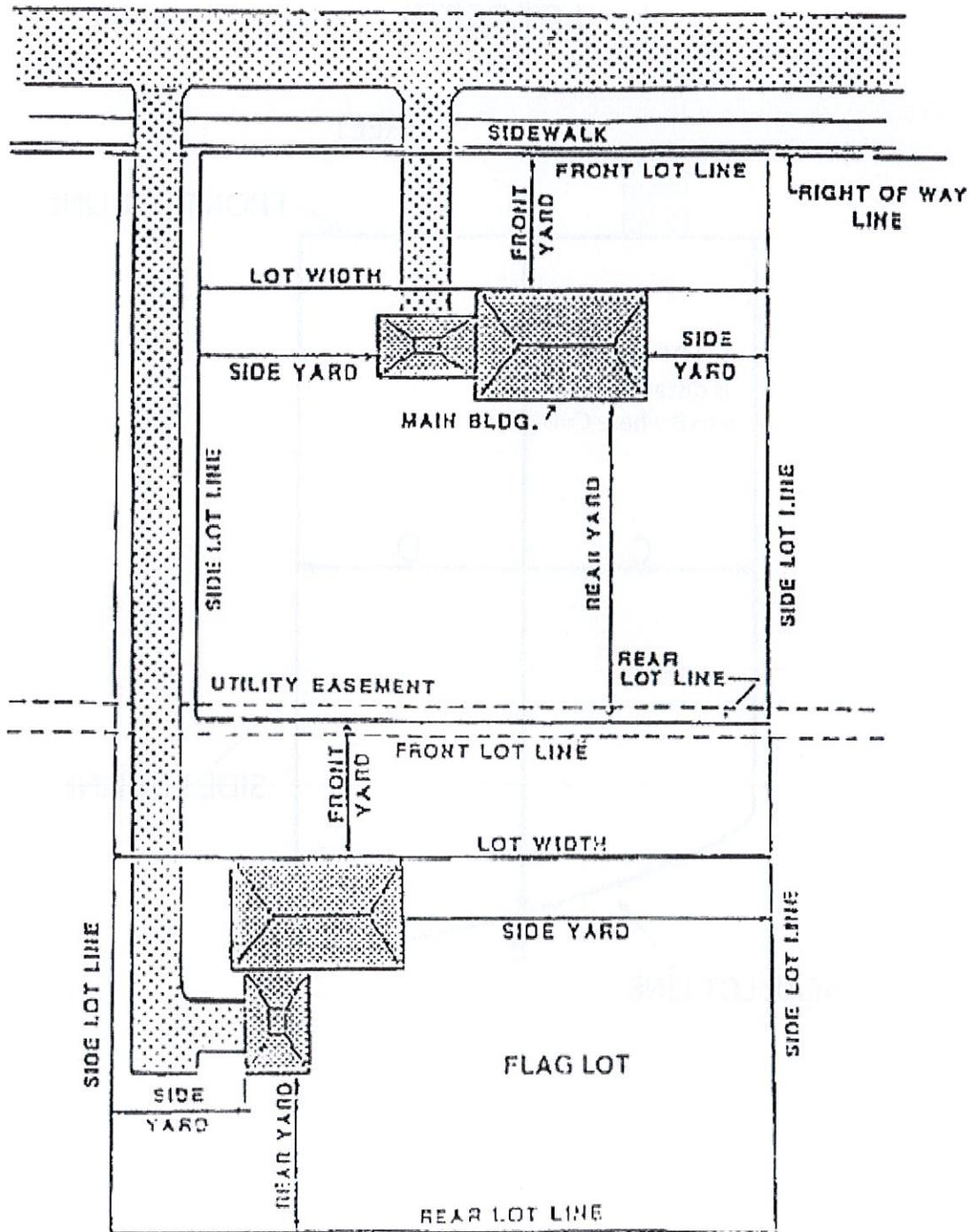


Figure 2-5
NONCONFORMING USE OR STRUCTURE

