

ARTICLE 2 DEFINITIONS

SECTION 2.1 PURPOSE

2.1.1 Purpose: This Article is intended to clarify the meaning of any term used within this Ordinance for which the common definition may not serve the purpose of this Ordinance, or which is not a commonly used term outside of the context of this Ordinance.

SECTION 2.2 CONSTRUCTION OF LANGUAGE

2.2.1 Rules of Construction: The following rules of construction apply to the text, tables and illustrations of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of 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 phrase "used for" or "occupied" includes "arranged for," "designed for," "intended for," "maintained for," or occupied for."
- G. The word "person" includes an individual, a corporation, a partnership, trust, firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 2. "Or" indicates that 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 individually but not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them. A dictionary may be consulted.
- J. The word "lot" includes the word "plot," "tract," or "parcel."
- K. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended.
- L. The "Village" is the Village of Port Sanilac in Sanilac County, State of Michigan; the "Council" is the Village Council for the Village of Port Sanilac; the "Planning Commission" is the Village of Port Sanilac Planning Commission; the "Board of Appeals" is the Zoning Board of Appeals or Board of Zoning Appeals of the Village of Port Sanilac.
- M. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day the Village is open.

Article 2
Definitions

- N. All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

SECTION 2.3 DEFINITIONS

Access Drive: A private street designed to provide vehicular access from a public road.

Access, Reasonable: A property owner's legal right, incidental to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

Accessory Building/Structure: A building or a structure subordinate to the principal use of a lot, or of a principal building or structure on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building and which accessory use or structure is compatible with the principal permitted uses or structures authorized under zoning regulations applicable to the property.

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of some accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants in single-family dwellings.
- B. Residential accommodations for caretakers.
- C. Swimming pools for the use of the occupants of a residence or their guests.
- D. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- E. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- F. Storage of goods used in, or produced by, industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- G. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- H. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- I. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- J. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Alley: Any public space or thoroughfare which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

Adult Day Care Facility: A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

Article 2 Definitions

Adult Foster Care Facility: An establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- A. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
- B. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
- D. **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 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 is a member of the household and occupant of the residence.

Alteration: A change, addition, or modification in construction or type of occupancy, any change in the structural numbers (members) of a building, such as walls or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

Amusement Center: Business from which the proprietor's primary income is derived from the operation of pool tables, billiard tables, or amusement devices, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not generate the proprietor's primary income.

- A. **Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges a flat rate to use the device.
- B. **Arcade.** A place of business that has in operation an excess of five (5) mechanical amusement devices; electronic tables featuring pool, billiards, bowling, basketball, football, or the like; or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations; or similar activities for hire or amusement.

Animal, Domestic: An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:

Article 2 Definitions

- A. Bird (caged)
- B. Cat (domestic)
- C. Prairie Dog (bred)
- D. Chinchilla
- E. Dog
- F. Fish (non-biting or non-poisonous)
- G. Lizard (non-poisonous)
- H. Marmoset (bred)
- I. Rodent (bred)
- J. Snake (non-poisonous)
- K. Spider (non-poisonous)

Animal, Wild or Exotic: Any animal not indigenous to the Village; incapable of being completely domesticated; requiring the exercise of art, force, or skill to keep it in subjection; or that a person is prohibited from possessing by law. Wild or exotic animals shall include, but not be limited to, the following:

- A. Alligator and crocodile (family)
- B. Badger
- C. Bear
- D. Bird (wild)
- E. Cat (wild family)
- F. Coyote
- G. Deer (family)
- H. Dog (wild family)
- I. Dog-Wolf
- J. Ferret
- K. Fish (biting and or poisonous)
- L. Lemur
- M. Lizard (poisonous)
- N. Marten
- O. Opossum (family)
- P. Primate (family)
- Q. Raccoon
- R. Snake and another reptile (poisonous)
- S. Skunk
- T. Spider (poisonous)
- U. Weasel (family)
- V. Wild boar or swine (family)

Apartment House: A multi-family dwelling for three or more families, living independently of each other as separate housekeeping units with separate access and egress, and doing their cooking upon the premises.

Applicant: A person who submits an application under one of the procedures therefore in this Ordinance.

Automobile Dealer: A building or premises used primarily for the sale of new or used automobiles.

Article 2 Definitions

Auto Repair Garage: A place where the following activities may be carried on: vehicle body repair, engine rebuilding or repair, undercoating, painting, upholstery work, welding and auto glass work.

Automobile Service Station:

A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including bumping, painting, or refinishing thereof. In addition to automobile service, convenience stores and carry out restaurants may be included. A special land use permit required.

Auxiliary Parking Lot: A parking area that is provided in excess of required parking spaces for the permitted use.

Basement: A portion of a building which is partly or wholly below grade so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over 5 feet, such basement shall be rated as a first story.

Bed and Breakfast Operations: A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room. In addition, in return for payment, a breakfast may be provided.

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.

Bluff Line: The line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lake ward side. Where there is, no precipitous front indicating the bluff line, the line of perennial vegetation may be considered the bluff line.

Boarding House/Rooming House: A dwelling in which lodging or meals, or both, are furnished to guests for compensation.

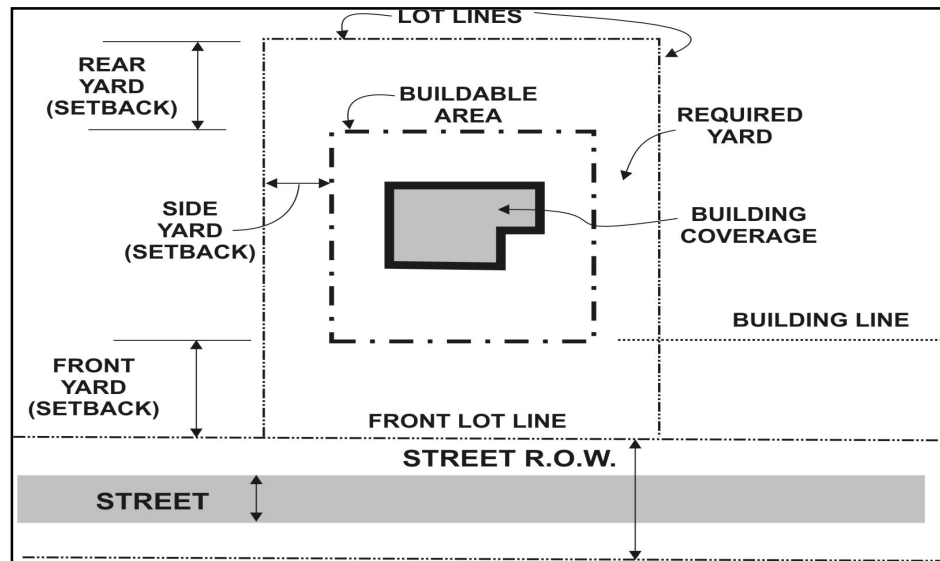
Brewpub: A license issued in conjunction with a Class C tavern, Class A hotel, or Class B hotel license that authorizes the person licensed with a Class C tavern, Class A hotel or Class B hotel to manufacture and brew no more than 5,000 barrels of beer per calendar year in Michigan and sell at those licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in Sections 405 and 407 of the Michigan Liquor Control Code of 1998 (Public Act 58 of 1998), as amended.

Buffer Strip: 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 and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer strip and may be so required by this Ordinance.

Article 2 Definitions

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the zoning Ordinance have been met. See Figure 2-1.

**Figure 2-1
BUILDABLE AREA**



Building: A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, camp cars, trailers, and other roofed structure on wheels or other supports, used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purposes of this definition, “roof” shall include an awning or other similar covering, whether or not permanent in nature.

Building Height: In the case of a principal building, the vertical distance measured from the floor of the first story in the yard with the greatest number of stories to the highest point of the roof surface for flat roofs and A-frames, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs (see Figure 2-2). A cupola, widow’s watch or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. The measurement of the height of an accessory building or structure shall be determined as the greatest vertical distance from the average grade of any side to the highest point of the roof surface.

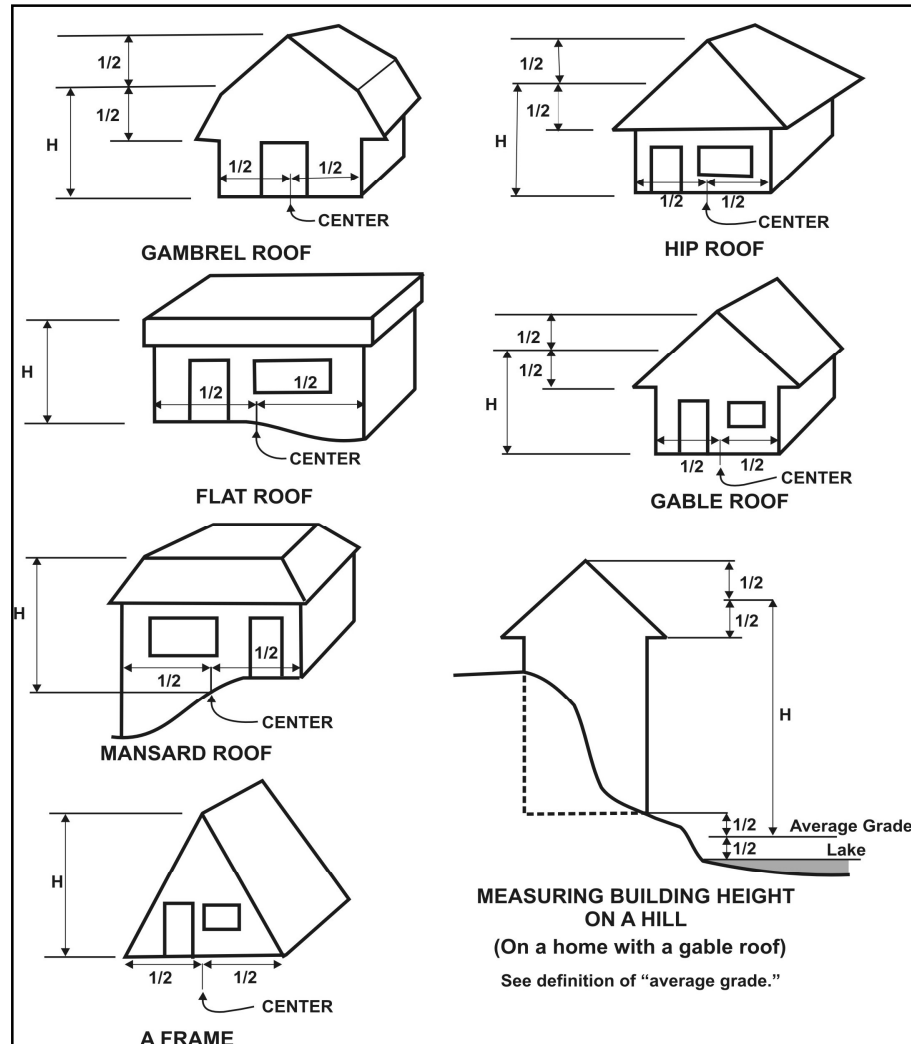
Building Line or Setback Line: The vertical plane beyond which no building or other structure or portion thereof may be erected, for setback purposes.

Building Official: The administrative official designated by the Village Council to enforce the Building Code.

Car Wash: A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks or other motor vehicles or recreational vehicles are automatically or manually cleaned.

Article 2
Definitions

Figure 2-2
BUILDING HEIGHT



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

Child Care Organization: A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under the Child Care Organizations Act (Public Act 116 of 1973), as amended or the Adult Foster Care Facility Licensing Act (Public Act 218 of 1979), as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:

- A. **Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two

Article 2 Definitions

- (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a childcare center, day care center, day nursery, 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.
- B. 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 twenty-four (24) hour basis, in a building maintained for that purpose, 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.
- C. Family Child Day Care Home. A private home, as licensed by the State of Michigan, in which up to six (6) 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.
- D. Foster Family Home. A private home in which 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.
- E. 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.
- F. Group Child Day Care Home. A private home, as licensed by the State of Michigan, in which up to 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.

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: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

Club: An organization of persons or a group of persons associated for a common purpose or a special purpose for promotion or engaging in sports, recreational and social activities, arts, sciences, literature, politics or the like, but not operated for profit and open only to members and not to the general public.

Article 2 Definitions

Commercial Vehicle: Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of 6,500 pounds. Any commercially licensed vehicle that does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

- A. **Semi-trailer.** A trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.
- B. **Truck Tractor.** A commercial vehicle capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
- C. **Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles.

Common Land: A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.

Common Open Space: An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common.

Communication Tower: A radio, telephone or television relay structure, including but not limited to: monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Composting: A controlled process of degrading compostable organic material by microorganisms.

Compostable Material: Compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.

Condominium Project: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Public Act 59 of 1978), as amended.

Condominium Subdivision or Site Condominium Development: A division of land on the basis of condominium ownership, pursuant to the Condominium Act (Public Act 59 of

Article 2 Definitions

1978), as amended, and which is not subject to the provisions of the Land Division Act (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 or Site Condominium: 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. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot," for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

Conflict of Interest: Participation by a member of the Zoning Board of Appeals, Planning Commission, or Village Council in a public hearing, lobbying, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss or friend of the member; or involves a party with whom the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided under the Zoning Ordinance. Conflict of interest provisions in other Ordinances shall guide other decisions unless the Village attorney or a court of law rules otherwise.

Convalescent or Nursing Home: A structure whose principal purpose is the provision of sleeping, eating and gathering rooms where persons afflicted with illness, injury, or an infirmity are housed or lodged, often for extended periods of time, and who are furnished with meals and nursing care.

Convenience Grocery Store: A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

Court: An occupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

Court, Inner: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Court, Outer: A court enclosed on not more than three sides by exterior walls, and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

Article 2 Definitions

District (or Zone): A portion of the Village within which certain regulations and requirements or various accommodations thereof apply under the provisions of this Ordinance.

Drive-in or Drive-through Establishment: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure. Except for banks and car washes there shall be no drive-through facilities within the Village of Port Sanilac.

Dwelling, Non-farm: A non-farm dwelling is a home built on land that is not involved in farming regardless of the number of acres.

Dwelling, Single-Family: A detached residential dwelling unit, other than a mobile home, designed for and occupied by one (1) family only.

Dwelling, Two-Family: A detached residential building, other than a mobile home containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

Dwelling, Multiple-Family: A residential building, other than a mobile home designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for one-family occupancy, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathrooms, and sleeping facilities.

Easement: The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses.

Electric Vehicle Charging Station: EV charging station, electric recharging point, charging point, charge point and EVSE (electric vehicle supply equipment), is an element in an infrastructure that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including electric cars, neighborhood electric vehicles and plug-in hybrids.

Erected: The word “erected” includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for a building or structure. Excavation, fill, drainage, and the like shall be considered a part of erection when done in conjunction with a structure.

Erosion: The collapse or subsidence of land along the shore of a lake or other body of water, including drains, creeks, streams and rivers, as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

Essential Service: The erection, construction, alteration or maintenance by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or

Article 2 Definitions

disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.

- A. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
- B. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this Ordinance.

Extraction Operation: Premises from which any rock, gravel, sand, topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

Excavation: The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

Exception: An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.

Façade: The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.

Family: An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or 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 non-commercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or another similar determinable period.

Farm: The land, plants, animals, buildings, structures, and ponds used for agricultural/aqua cultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products.

Fence: A partition, structure, or gate erected as a dividing marker, barrier, or enclosure. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.

- A. **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Zoning Administrator for the purpose of enclosing or securing an area (see illustration).
- B. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block vision to an extent greater

Article 2 Definitions

- than fifty percent (50%). Ornamental fences shall not include chain-link, wire or similar fences (see illustration).
- C. **Privacy fence.** Any fence that blocks vision to an extent greater than fifty percent (50%) for the purpose or effect of obscuring or screening an area from public view (see illustration).
 - D. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart, and which does not block vision to an extent greater than fifty percent (50%) (see illustration).
 - E. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event.

Filling: The depositing or dumping of ground, soil, gravel, stone or fill dirt above the average grade of the surrounding land and/or road grade, whichever is highest, except common household gardening, farming, and general ground care of a residential or agricultural character. *Amended 12-6-2022.*

Flea Market: An enclosed shop or open market selling primarily used goods, antiques, curios, art objects, and collectibles. Sale activity held within a building, structure or an open area where groups of individual sellers offer goods, new and/or used for sale to the public, not to include private garage sales or rummage sales.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other bodies of water, caused by severe storms, hurricanes, tornadoes or heavy rains. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

- A. **Flood, 100-Year.** A flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.
- B. **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:
 - 1. That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year flood.
 - 2. Principal estuary courses of wetland areas that are part of the river flow system.
 - 3. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.

Floor Area, Residential: The sum of the horizontal areas of each story of the dwelling, as measured from the exterior faces of the exterior walls or from the centerline of walls separating dwellings units. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, or porches.

Article 2 Definitions

Floor Area, Usable: That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

Footprint or Building Footprint: The ground area a building or structure covers.

Frontage: A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.

Garage, Private: A building or part hereof accessory to a main building and providing for the storage of motor vehicles and in which no occupation or business for profit is carried on.

Garage, Public or Storage: A building or part thereof (other than a private residential garage) for the storage of motor vehicles or boats or in which service, maintenance or repair activities may be performed.

Garage Sale: A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

Garden Center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

Glare: The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and ability.

Grade: The highest ground elevation in contact with any portion of the basement or foundation of a dwelling.

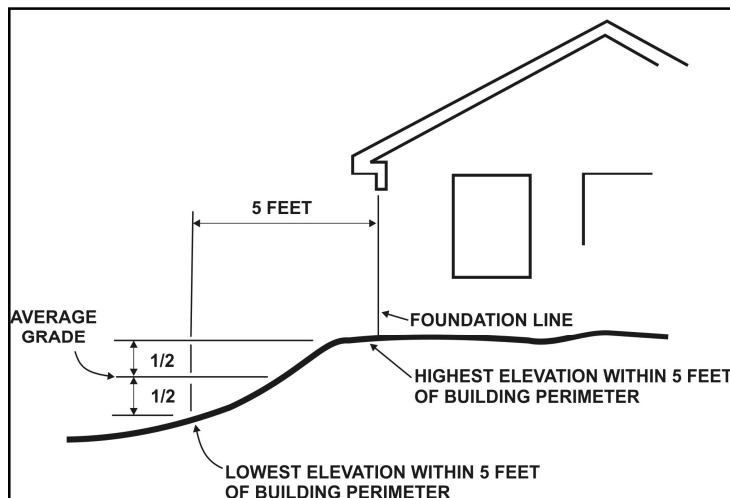
Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (see Figure 2-3).

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 alternations.

Greenbelt: A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.

**Figure 2-3
AVERAGE GRADE**



Hazardous Materials: Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), “hazardous substance” shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (Public Act 93 of 1981, as amended):

- A. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.
- B. “Hazardous substance” as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Title 42, U.S. Code Chapter 103), as amended.
- C. “Hazardous waste” as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
- D. “Petroleum” as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

Article 2 Definitions

High Risk Erosion Area: An area subject to shore land deterioration as designated by the Department of Natural Resources pursuant to Part 323 (Shorelands Protection and Management) of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994), as amended.

Home Occupation: An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is incidental to the use of the dwelling unit for residential purposes.

Hospital: An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.

Hotel: A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

Institutional Uses: The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:

- A. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
- B. Auditoriums, theaters, concert halls, and similar places of assembly.
- C. Libraries, museums, and similar centers for cultural activities.
- D. Churches, temples, and other places of worship.
- E. Post offices.
- F. Private clubs, fraternal organizations, and lodge halls.

Junk: Articles that have outlived their intended usefulness in their original form and are commonly discarded or gathered up to be converted into another product, either of the same or different kind.

Junkyard: A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron or the metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

Kennel: Any building, lot or premises where three (3) or more dogs or cats over twelve (12) weeks of age are kept, or any structure, lot or premises where animals are kept or housed for remuneration. This definition shall not include the raising of animals for agricultural purposes or premises used for residential purposes, where the occupant keeps personal pets.

Laboratory: A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Article 2 Definitions

Landfill: A tract of land that is used to collect and dispose of “solid waste” as defined and regulated under the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

Lighting: The following definitions are related to lighting:

- A. **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
- B. **Floodlight.** A fixture or lamp designed to direct light over a broad area.
- C. **Foot-candle.** Illuminance produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.
- D. **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
- E. **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- F. **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). “Lamp” is often used to denote the bulb and its housing.
 - 1. **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
 - 2. **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.
 - 3. **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
 - 4. **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
 - 5. **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
 - 6. **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
 - 7. **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
 - 8. **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) foot-candle is equal to one (1) lumen per square foot. One lux is one lumen per square meter.
 - 9. **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

Liquor License Establishment, Class C: Any place licensed by the State of Michigan Liquor Control Commission to sell beer, wine, spirits, and mixed drinks for consumption on the premises.

Living Quarters: A building or area in a building designed as an abode distinguished with kitchen facilities that compliment sleeping facilities.

Article 2 Definitions

Loading Space: An off-street space on the same lot with a building, or contiguous to a group of buildings for unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lodging House: See Boarding House/Rooming House.

Long-Term Rental: A dwelling unit providing transient accommodations for periods of more than ninety (90) days. *Added 12-6-2022.*

Lot: A parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. Any combination of complete and/or portions of lots of record;
- D. A parcel of land described by metes and bounds.

Lot Area: The total horizontal area within the lot lines of a lot, but excluding that portion within a street right-of-way.

Lot, Corner: A lot with frontage on two intersecting streets.

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 (four inches or less above the finished grade), 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: The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

Lot, Interior: An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Width: The required horizontal distance between the side lot lines measured at the two (2) points where the required front yard setback line intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to eighty (80%) percent of the required lot width.

Article 2 Definitions

Lot Lines: Any line dividing one lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot.

Lot of Record: A parcel of land, the dimensions of which are described in a document or shown on a map on file with the Sanilac County Register of Deeds or in common use by Village or County officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Split or Consolidation: The dividing or uniting of lots by virtue of changes in the deeds recorded with the Sanilac County Register of Deeds and the City Assessor.

Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the Sanilac County Register of Deeds, but may include one or more lots of record.

Manufactured Home: A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach or travel trailers.

- A. Manufactured Home, HUD-Code. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air- conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by federal Manufactured Home Procedural and Enforcement Regulations (24 CFR §3282.8g).
- B. Manufactured Home Site. An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

Manufactured Housing 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 non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act (Public Act 96 of 1987), as amended, and the Manufactured Housing Commission General Rules.

Manufacturing: The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering,

Article 2 Definitions

repairing, warehousing or storing or adapting for sale or other use of any goods, substance, article, thing or service.

Massage Therapist: An individual specifically trained and licensed or certified in therapeutic massage by the State of Michigan under Part 179A of the Michigan Public Health Code (Public Act 368 of 1978), as amended.

Master Plan: The comprehensive plan of the Village of Port Sanilac, including graphic and written text indicating the Village's development goals and objectives, planned future use of all land within the Village of Port Sanilac, general location for roads, parks, schools, public buildings, and all physical development, and any portion or amendment to such plan. Such plans shall have been adopted by the Planning Commission, and may or may not be adopted by Village Council.

Maximum Lot Coverage: Total permitted area of a lot that is not open space due to structures built on the land. Structures such as principal buildings, garages, accessory buildings, decks, porches, and parking lots are counted. Ground covering such as residential driveways, gazebos, yard ornaments and signs are not counted.

Micro-Units: A residential dwelling between 400 and 1,000 square feet.
Added 12-6-2022.

Mixed Use: A structure or project containing residential and nonresidential uses.

Mobile, Factory Built or Portable Home: As used herein the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own integral chassis and designed for permanent year-round living as a single-family dwelling. Provided, however, that the term "mobile home" shall not include modular homes (which are transported to the placement site on independent frames and running gear), motor homes, campers, recreation vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

Mobile Home Park: Any parcel of land intended and designed to accommodate more than one (1) mobile home for living use which is offered to the public for that purpose; and any structure, facility, area, or equipment used or intended for use incidental to that living use.

Motel: A series of attached, semi-detached or detached rental units containing bedroom and toilet utilities for temporary lodging for compensation.

Multi-Family Dwelling: A multi-family dwelling is a type of housing classification where multiple separate units for residential inhabitants are contained within one building, such as duplex, triplex, apartments. *Amended 6-3-25*

Natural Area: A land area or body of water that is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.

Article 2 Definitions

Natural Resources: Natural resources include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types; renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as “natural features” in this Ordinance.

New Construction: Structures for which the “start of construction” commenced on or after the effective date of this Ordinance.

Nonconforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming Lot of Record: A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, and which fails to meet the area and/or dimensional requirements of the district in which it is located.

Nonconforming Structure: A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Noxious: An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

Nuisance: Any offensive, annoying, unpleasant or obnoxious object or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which prevents the free use of one’s property or renders its normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursery, (Plant Materials): A space, structure or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, structure used for the sale of fruits, vegetables or Christmas trees.

Obscene Material: As defined in the Michigan Obscene Material Act (Public Act 343 of 1984), as amended.

Occupancy or Occupied: The purpose for which a building or part thereof is used or intended to be used. The term “occupied” includes “arranged,” “designed,” “built,” “altered,” “converted to,” “rented,” “leased” or “intended to be inhabited.”

Article 2 Definitions

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering to provide access for entrance and exit for the parking of more than three (3) automobiles.

Ordinary High Water Mark (OHWM): The line of the shore established by fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding areas.

Open Air Business: Any business that is conducted primarily out-of-doors. Unless otherwise specified by this Ordinance, “open air business” shall include:

- A. Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- B. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.

Open Air Farm Market: A farm market is defined as an open-air market within the Village of Port Sanilac. The Farm Market is required to be permitted by the Village and is limited in days and times as provided by the rules, fees and conditions as prescribed by the Village Council. All permitted farm markets shall comply with the Michigan Department of Agriculture and Rural Development’s Generally Accepted Agricultural and Management Practices (GAAMPS) for Farm Markets.

Outdoor Display of Goods: An outdoor display of goods may be allowed in a pre-determined area of property, so as not to interfere with entry or exit of the property. Goods displayed for sale out of doors must be offered for sale inside the premises.

Outdoor Storage Yard: An open area where including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. The term includes automobile wrecking yards and any area of more than 200 square feet used for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings or drop-off stations for recyclables.

- A. Outdoor Motor Vehicle Storage or Dismantling Yard or Junk Yard. An open area used for any of the following purposes:
 - 1. Purchase, sales, exchange, storage, baling, packaging, disassembly or handling of used parts of motor vehicles, old iron, metal, glass, paper, cordage or other waste, used or secondhand material;
 - 2. Any business and any place of storage or deposit that includes two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation purposes.

Out Lot: A parcel of land designated on a site plan for future development.

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

Article 2 Definitions

indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Package Liquor Store: A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Park: Any developed playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.

Parking Space: A visually defined area (striping, parking blocks, etc.) of not less than 180 square feet (10 x 18 ft.), exclusive of access or maneuvering area or ramps, columns, etc. to be used exclusively as a temporary space for one private motor vehicle. Truck loading and unloading space shall not be included in such area. *Amended 12-6-2022.*

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

Permanent Foundation: A foundation for a structure that includes all frost-free foundations as regulated by the building code as well as concrete block, poured concrete, and slabs or other materials used to support the walls of a building, even if they do not extend down below the frost-free line.

Permanent or Principal Structure: A residential, commercial, industrial or institutional building, a mobile home, accessory and related building, septic systems, tile field or other waste handling facility erected, installed or moved on a parcel of land.

Planned Unit Development: A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

Plat: A map of a subdivision of land recorded with the Sanilac County Register of Deeds pursuant to the Land Division Act (Public Act 288 of 1967), as amended, or a prior statute.

Porch: A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.

Principal Structure: The main building on a lot or parcel, including but not limited to: residential, commercial, industrial, institutional structures and mobile homes.

Principal Use: The primary or predominant use of any lot or parcel of land.

Public Service: Public service facilities (within the context of this Ordinance) shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

Article 2
Definitions

Article 2 Definitions

Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

Recognizable and Substantial Benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.

Recreation Establishment, Indoor: A privately-owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor: A privately-owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

Recreation Area: Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.

Recreational Resort: A parcel on which sites are established by recreational vehicles for the general public as temporary quarters for purposes of recreation or vacation.
Added 12-6-2022.

Recreational Vehicle: A vehicle that is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Excluding any recreational vehicle used in part or whole for commercial purpose. Recreational vehicles shall include the following:

- A. **Boats and Boat Trailers.** Motorized or floatation equipment that may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
- B. **Folding Tent Trailer.** A folding structure, mounted on wheels and designed for travel and vacation use.
- C. **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

Article 2 Definitions

- D. Pickup Camper. A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
- E. Travel Trailer. A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
- F. Horse Trailer. A structure mounted on wheels and designed primarily to be used for the transportation of horses.
- G. Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV). Motorized vehicles designed primarily for recreational travel or off-road use.
- H. Utility Trailers. A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.

(amended 12/01/2020)

Restaurant: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

Retail Stores and Retail Sales: A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.

- A. Included in this definition are convenience stores, department stores, variety stores, “big-box” stores, supermarkets, wholesale club stores, shopping centers, and shopping malls.
- B. Also, included in this definition are mail-order sales, internet sales, and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
- C. This definition does not include temporary uses, outdoor display or sales areas or adult uses and sexually-oriented businesses.

Retention Basin: A pond, pool, or basin used for the long-term storage of water runoff.

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.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a “den,” “library,” or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Rooming House: See Boarding House/Rooming House. *Added 5-7-2024.*

Article 2 Definitions

School, Nonpublic: A nonpublic school is any school other than a public school giving instruction to children below the age of 16 years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

School, Public: A public school is a public elementary or secondary educational entity or agency that has as its principal mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university or by the department or state board.

Self-Storage Warehouse: A building or group of buildings in a controlled-access compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Senior Housing: An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older. Housing for the elderly may include:

- A. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
- B. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- C. **Convalescent or Nursing Home.** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.
- D. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
- E. **Elderly Housing.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
- F. **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.

Separate Ownership: Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.

Screen: A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials such as trees and shrubs.

Seasonal Parking Lot: A parking area designed to service a limited, defined group of users less than six (6) months per year during the non-winter months.

Setback: The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or road rights-of-way.

Article 2
Definitions

- A. **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
- B. **Required Setback.** The minimum horizontal distance between a front, rear or side lot line, and a foundation line to comply with required yard provisions of this Ordinance.

Sexually Oriented Businesses: Definitions for specific types of sexually-oriented businesses:

- A. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- B. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises twenty percent (20%) or more of sales volume or occupies twenty percent (20%) or more of the floor area or visible inventory within the establishment; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises twenty percent (20%) or more of sales volume or occupies twenty percent (20%) or more of the floor area or visible inventory within the establishment.
- C. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - 1. Persons who appear in a state of nudity;
 - 2. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
 - 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - 4. Persons who engage in lewd, lascivious or erotic dancing, including but not limited to: straddle dancing or lap dancing, or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. **Adult Motel:** A hotel, motel or similar commercial establishment that:

Article 2
Definitions

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right of way that advertises the availability of any of the above; and either
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. **Adult Theater:** A theater, concert hall, auditorium or similar commercial establishment that regularly and primarily features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or by specified sexual activities.
- G. **Escort:** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
- H. **Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- I. **Massage Parlor:** A massage parlor is an establishment where individuals not specifically trained and licensed or certified in therapeutic massage by the State of Michigan under Part 179A of the Michigan Public Health Code (Public Act 368 of 1978), as amended, provide massage services.
- J. **Nude Model Studio:** Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- K. **Nudity or State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to: payment or promise of payment of an admission fee, any individual's genitals, genital area, buttocks or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

Article 2
Definitions

2. Material as defined in Section 2 of the Obscene Material Act (Public Act 343 of 1984), as amended.
 3. Sexually explicit visual material as defined in Section 3 of the Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors Act (Public Act 33 of 1978), as amended.
- L. **Person:** As used in Section 17.10.31 and in the definition of “straddle dance,” an owner of a sexually oriented business, an employee, licensee, contractor, tenant, or invitee, on the premises of a sexually oriented business who entertains patrons, performs in a state of nudity, models lingerie, provides erotic dance or strip tease, or engages in other conduct intended to titillate the patrons of a sexually oriented business.
- M. **Sexual Encounter Center:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.
- N. **Sexually-Oriented Business:** A business or commercial enterprise engaging in any of the following:
1. Adult arcade;
 2. Adult bookstore or adult video store;
 3. Adult cabaret;
 4. Adult motel;
 5. Adult motion picture theater;
 6. Adult theater;
 7. Escort agency;
 8. Massage parlor;
 9. Nude model studio; and
 10. Sexual encounter center.
- O. **Specified Anatomical Areas:** Specified anatomical areas are defined as:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- P. **Specified Sexual Activities:** Specified sexual activities means and includes any of the following:
1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 3. Masturbation, actual or simulated; or
 4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

Article 2
Definitions

- Q. **Straddle Dance (also known as a lap dance or friction dance):** A form of live erotic dance at a sexually-oriented business where a person offers physical contact in the form of touching, with any part of the person's body, the genital or pubic area of a patron or other person; or when a person uses his/her breast(s) to touch any part of the patron or other person's body; or allows the touching of the breast(s), genitals, pubic area or buttocks of a patron or other person, whether clothed or unclothed by a patron or other person. It shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the person is clothed, nude, semi-nude or displaying or exposing any specified anatomical area. It shall also be a "straddle dance" regardless of whether the "touch" or "touching" is direct or through a medium.

Shopping Center: More than one (1) commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Short-Term Rental: A dwelling unit providing transient accommodations for periods of less than ninety (90) days. *Amended 12-6-2022.*

Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity person, institution, organization, or business. See Article 7 "Signs" for more detailed definitions and descriptions of sign types.

Site Plan: A scaled drawing illustrating existing conditions, detailing the proposed use and development of a zoning lot, and including all required elements applicable to the proposed development to ensure compliance with this Ordinance.

Solar Energy: Radiant energy (direct, diffuse, and reflected) received from the sun.

- A. **Attached System:** A Solar System in which solar panels are mounted directly on the building (typically on the roof).
- B. **Detached System:** Also known as a Ground Mounted System, a solar system that is not attached directly to a building, but is supported by a structure that is built on the ground.

Solar Energy System: A solar energy system is defined as an energy system which converts solar energy to usable thermal, mechanical, chemical, electrical, or any other form of energy, to meet all or a significant part of a structure's energy requirements.

Solar Panel: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating, and/or for electricity.

Solar Farm: An installation or area of land in which a large number of solar panels are set up to generate electricity.

Special Land Use: A use that meets the intent and purpose of the zoning district but which requires the review and approval of the Planning Commission in order to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated by the use can be, and are, mitigated.

Article 2 Definitions

Special Land Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special land use pursuant to standards and procedures established in Article 3 “General Provisions” and Article 17 “Special Land Use Regulations.”

State Licensed Residential Facility: A structure or facility constructed for residential purposes to provide resident services and 24-hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (Public Act 218 of 1979), as amended, or the Child Care Organizations Act (Public Act 116 of 1973), as amended.

Steep Slopes: Slopes with a grade of twelve percent (12%) or more.

Story: That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

- A. A mezzanine shall be deemed a full story when it covers more than one-third ($\frac{1}{3}$) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
- B. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.

Story, Half: An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Street: A public thoroughfare which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

Street Line: The dividing line between a street right-of-way and property line of a lot.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.

- A. **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.
- B. **Tent or Carport Shelter.** A structure consisting of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and not intended for permanent use on a site.

Substandard Lot: A lot of record or a lot which is described in a land contract or deed executed and delivered before the designation of a high-risk erosion area and which does not have adequate depth to provide the minimum required setback from the bluff line for a permanent structure. The term also means those lots which are legally created after the designation of a high-risk erosion area which have sufficient depth to meet

Article 2 Definitions

setback requirements for permanent structure, but which subsequently become substandard due to erosion.

Swimming Pool: A fabricated or artificially formed body of water retained within a manufactured or fabricated structure.

Tavern (Pub): An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other mechanical amusement devices.

Temporary Use or Building: A use, building or structure permitted by procedures established in this Ordinance, to exist during a specified period of time.

Traffic Impact Assessment: A study that assesses the impacts of a proposed development on the existing and future multi-modal transportation network. The study must recommend mitigation measures for the anticipated impacts and must analyze the adequacy of the development's planned access points.

Truck Terminal: The use of land or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

Undeveloped State: Land in a natural condition; preserving natural resources, natural features or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state shall not include a golf course, but may include passive recreational facilities; including recreational trails, picnic areas, children's play areas, greenways or linear parks. Land in an undeveloped state may be, but it not required to be, dedicated to the use of the public.

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

Variance: A modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when standards established in Article 3 "General Provisions" and Article 5 "Review and Decision Making Bodies" of this Ordinance have been met. These standards seek to ensure that no variance is granted unless: (a) strict enforcement of the Zoning Ordinance would cause practical difficulty; (b) it would not be contrary to the public interest, (c) there are circumstances unique to the individual property on which the variance is granted, and (d) the variance request is not due to actions of the applicant.

Veterinary Clinic or Hospital: An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Article 2 Definitions

Walls:

- A. Decorative. A screening structure wall of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
- B. Obscuring. An obscuring structure of definite height and location constructed of masonry, concrete or similar material.

Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes:

- A. At least periodically, the land supports predominantly hydrophytes.
- B. The substrate is predominantly un-drained hydric soil.
- C. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetlands, Regulated: Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ), that have any of the following characteristics:

- A. Contiguous to an inland lake, pond, river or stream;
- B. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- C. Other wetlands where the MDEQ determines, with notification to the land owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

Wind Turbine: Any of the various machines used to produce electricity by converting the kinetic energy of wind to rotational, mechanical, and electrical energy. Wind turbines consist of the turbine apparatus (motor, nacelle, tower) and any other buildings, support structures, or other related improvements necessary for the generation of electrical power.

Wind Energy System: Onsite wind energy system means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

Wireless Communication Facility: All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

- A. Abandoned Tower or Antenna. An antenna that is not operated for a continuous period of twelve months or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- B. Alternative Tower Structure. Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
- C. AM Array. One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.

Article 2 Definitions

- D. Amateur Radio Antenna. An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
- E. Antenna. Any exterior transmitting or receiving device mounted on a tower, structure and used in communications that radiates or captures electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
- F. Backhaul Network. The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
- G. Co-Location. The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- H. Equipment Enclosure. A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
- I. Satellite Dish. An antenna structure designed to receive from or transmit to orbiting satellites.
- J. Tower. A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

Yards: An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.

- A. Front Yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building.
- B. Rear Yard. The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
- C. Required Yard. An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
- D. Side Yard. An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.

Zoning Administrator: The person or persons designated by the Village to administer this Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, providing staff support to the Planning Commission or Zoning Board of Appeals, sending notices of public hearings, and similar work.

Zoning Board of Appeals: The Zoning Board of Appeals is the Village Council for the Village of Port Sanilac, Michigan.

Zoning Permit: A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site

Article 2
Definitions

plan, plot plan, and/or other zoning application or request for special zoning approval or variance for a use, structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance there from.