

ARTICLE X: DEFINITIONS

SECTION 10.1 RULES APPLYING TO THE TEXT

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

- 1.) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- 2.) The word “person” includes a corporation or firm as well as an individual.
- 3.) The word “building” includes the word “structure”.
- 4.) The word “lot” includes the word “plot,” “tract,” or “parcel”.
- 5.) The term “shall” is always mandatory and not discretionary; the word “may” is permissive.
- 6.) The word “used” or “occupied” as applied to any land or building, shall be construed to include the words “intended, arranged or designed to be used or occupied.
- 7.) Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

SECTION 10.2 DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Accessory Building: A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

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Adult Foster Care Family Home: A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week or for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant for the residence. Said home shall conform and qualify for license under Public Act 116 of the Public Acts of 1973 as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws and under Public 218 of 1979 of the Michigan Compiled Laws.

Advertising Structure: A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

Alley: Any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations: Any modification, addition or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building; any enlargement of a building whether by extending a side or by increasing in height; or the moving from one location to another.

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

Apartment, Garden: A group of two (2) or more multiple dwelling buildings not over two (2) stories in height, located on the same lot, that offer each dwelling unit direct access to an open yard area.

Apartment House: (See “Dwelling, Multiple-Family”.)

Auto Court: (See “Motel”.)

Basement: A story having part, but not more than one-half (1/2) of its height below finished grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling

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and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

Board: The (Name of Community) Board of Appeals or city Zoning Board of Appeals.

Boarding House: A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or property.

Building Area: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building, Front Line of: The line or face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps.

Building, Height of: The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Lines: A line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Cellar: A story having more than one-half (1/2) of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.

Certificate of Occupancy: A statement signed by the Zoning Administrator setting forth either that a building or structure complies with

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the Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for the specified uses, or both.

City Council: (The Name of Community).

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.

Clubs: An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political or social purposes, which are not conducted primarily for gain and which do not provide merchandising, vending or commercial activities except as required incidentally for the membership and purpose of such club.

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

Court: An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

Court, Closed: A court enclosed on all sides by exterior walls of a building, or enclosed on all sides by a combination of exterior building walls and freestanding walls.

Court, Outer: A court enclosed on not more than three (3) sides by exterior walls of a building or by a combination of exterior walls and freestanding walls, with one side or end open to the street, alley or yard.

Coverage: That percent of the plot or lot covered by building area.

Convalescent or Nursing Home: A convalescent or nursing home is a home for the care of children who are not members of the family, of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein three (3) or more persons are cared for. Said home shall conform and qualify for license under Section 1122, Federal Public Law 92-603, and the State Department of Public Health's Policies, Criteria and Guidelines.

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Density: The number of dwelling units residing upon or to be developed upon a net acre of land.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitations.

Dormitory: A building, or portion thereof, used for housing purposes under the supervision of a college, university, or other institution.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, Single-Family: A detached building designed for or occupied exclusively by one family.

Dwelling, Two-Family: A detached or semi-detached building designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling, Multi-Family: A building, or portion thereof, used or designed to contain separate living units for three (3) or more families, but which may have joint services or facilities, or both.

Dwelling, Row House or Townhouse: Three (3) or more one-family dwelling units, each having access on the first floor to the ground and with common walls separating the dwelling units.

Dwelling Unit: A building, or a portion thereof, designed exclusively for residential occupancy by one (1) family and having cooking facilities.

Erecting: The building, construction, alteration, construction, moving upon, or any physical activity upon a premises or lot.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, telephone transmission or distribution system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals,

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hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, departments or commissions.

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group not to exceed two (2) persons not related by blood or marriage, occupying a premises and living as a single, nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use. The usual domestic servants residing on the premises shall be considered part of a family.

Farm: Any parcel of land containing at least ten (10) acres which is used for gain in the raising of agricultural crops such as grains and under special conditions, livestock. It includes necessary storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

Floodplain: Floodplain means the area of land adjoining the channel of a river, stream water course, lake, or other body of water which has been or may be covered by flood water.

Floor Area: Sum of the gross horizontal areas of the floors of a building or dwelling unit, measured from the exterior faces of the exterior walls, or from the center line of walls separating dwelling units.

Garage, Parking: A structure or series of structures for the temporary storage or parking of motor vehicles, having no public shop or service connected therewith.

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, house trailers, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Gasoline Service Station: Any area of land, including any structure or structures thereon, that is used or designed for the supply of gasoline or oil or other fuel for the propulsion of vehicles, For the purpose of this Ordinance, this term shall also mean any area or structure used or

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designed for polishing, greasing, washing, dry cleaning, spraying (but not including painting), or other cleaning or servicing such motor vehicles.

Grade, Finished: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs related thereto.

Group Housing: A residential development involving the ultimate construction of a group of dwelling units, including a combination of one-family, two-family, or multiple-family dwellings on a lot, parcel, or tract of land, or on a combination of lots under one ownership, and containing common services or facilities.

Guest Unit: A room or group of rooms occupied, arranged or designed for occupancy by one (1) or more guests for compensation.

Home Occupation: An accessory use of a service or professional character conducted within a dwelling by the family residents thereof, which is clearly secondary and incidental to the use of the dwelling for living purposes and does not change the character thereof.

Hotel: A building in which the rooms are occupied or designed as temporary abiding places for individuals who are lodged with or without meals and in which there are more than ten (10) sleeping rooms served only by general kitchen and dining facility located within the building.

Junk Yard: Any land or building over two-hundred (200) square feet in area used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery, or parts thereof.

Kennel: Any lot or premises used for the sale, boarding or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of three (3) dogs, cats, and/or other household pets over the age of six (6) months.

Lodging House: A building in which three (3) or more rooms are rented and in which no table board is furnished, but not exceeding five (5) persons.

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

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance; PROVIDED THAT the owner of any number of contiguous lots may have as many of said contiguous lots considered a single lot for the purpose of this Ordinance as he elects and, in such case, the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof.

Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.

Lot, Depth of: The mean difference from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Interior: A lot other than a corner lot.

Lot, Line: The lines bounding a lot as herein described.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds in Ingham County, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds in () County.

Lot, Width of: The width measured along the front lines of street line.

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property, and which has been classified as such upon the Future Land Use Plan of the (Name of Community).

Minor or Local Street: A public way, the principal use or function of which is to give access to abutting properties.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed

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primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term “motel” shall include buildings designated as “auto courts”, “tourist courts”, “motor courts”, “motor hotel”, and similar appellations which are designed as integrated units of individual rooms under common ownership.

Mobile Home: (See “Trailer Coach”)

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

Open Space: Any unoccupied space open to the sky on the same lot with a building.

Plan, Future Land Use: An adopted statement of policy by the Planning Commission relative to the agreed-upon desirable physical pattern of future community development, consisting of a series of maps, charts and written material that represents a sound conception of how the community should grow in order to bring about the very best community living conditions.

Planned Unit Development: A land area which has both individual building sites and common property, such as a park, and which is a separate neighborhood or community unit.

Planning Commission: (Name of Planning Commission)

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

Public Utility: Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water.

Recreation, Private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of

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man-made structures and/or other artificial apparatus which are necessary to or form the basis for said use.

Recreation, Public: Any recreational space or structure owned by the public or any space and structure or combination thereof privately owned and publically used consisting primarily of the utilization of natural physical features as the basis for said use (structures and artificial apparatus being secondary to the primary outdoor use).

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles or the location of utilities.

Rooming House: A building where lodging only is provided for compensation.

Secondary Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property, and which has been classified as such upon the Future Land Use Plan for the City of Leslie.

Setback: The minimum horizontal distance between a structure, excluding steps and enclosed porches and the front street or right-of-way line or lot line.

Signs: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which are visible from any public way and used as an outdoor display.

Site, Net Area: The total areas within the property lines of a project or development, excluding streets.

Stable, Private: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

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Story: The portion of a building included including between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

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

Street: A public thoroughfare which affords the principal means of access to abutting property.

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

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Swimming Pool: The term "Swimming Pool" shall mean any structure or container located either above or below grade designed to hold water to a depth greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.

Trailer Coach or Mobile Home: Any structure used or designed for sleeping, living, business, or storage purposes, having no foundation other

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than wheels, blocks, skids, jacks, or similar support and which has been or reasonably can be, transported or drawn by motive power.

Trailer Park or Mobile Home Park: Any lot, site, parcel or tract of land under the control or management of any person, upon which two (2) or more trailer coaches are parked or which is offered to the public for that purpose, regardless of whether a charge is made therefor or not, and including any building, structure, tent, vehicle or enclosure used or intended to be used as part of the equipment of such trailer park.

Travel Trailer: A recreational vehicle designed to be used for temporary residence purposes and commonly known as a travel trailer or recreational vehicle.

Travel Trailer Park: There are two basic types of travel trailer parks: Overnight and Destination.

1.) Overnight Park: Has elaborate facilities and is usually located along or near a main highway where trailers stay overnight on the way to some other destination.

2.) Destination Park: Is located at or near a scenic or historic area or near fishing, hunting, boating, skiing or other recreational facilities and has sufficient washroom and restroom facilities to meet the demands, plus providing tot lot recreational facilities, such as swings, or slides.

Use: The purpose for which land or building is arranged, designed or intended, or for which land or a building may be occupied.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Yard: An open space on the same lot with a building, unoccupied, and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

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Yard, Front: A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

Yard, Rear: An open space on the same lot with a main building unoccupied except herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the center line of the alley, if there be an alley, and the rear line of the building.

Yard, Side: An open, unoccupied space of the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

Zoning Administrator: Appointed officer of the City Council to effect proper administration of this Ordinance.

Zoning Permit: Permit required for any change in use of land or structure in accordance with the provisions of this Ordinance.