

CHAPTER 2 DEFINITIONS

SECTION 2.01: RULES APPLYING TO TEXT

- A. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Ordinance, except where the context clearly indicates a different meaning.
- B. Rules of Construction: The following rules of construction apply to this Ordinance:
 - 1. The particular shall control the general. For terms used in this Ordinance, the use of a general or similar term shall not be taken to be the same as the use of any other specific term.
 - 2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 - 3. A building or structure includes any part thereof.
 - 4. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
 - 5. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunctions “and” “or” or “either...or”, the conjunction shall be interpreted as follows:
 - a. “And” indicates that the connected items, conditions, provisions or events apply.
 - b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. “Either...or” indicates that the connected items, conditions, provisions or events apply singly but not in combination.
 - 6. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
 - 7. 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.
 - 8. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other legal entity. Gender related words, such as “he” and “him” include “she” and “her”, or other similar uses of gender.
 - 9. All words and phrases shall be construed and understood according to the common preferred usage of the language, but technical words and phrases, such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

10. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of this Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.
11. With the exception of this Chapter, the headings which title a Chapter, Article or Section are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
12. Terms not defined in this Chapter shall have the meaning customarily assigned to them.
13. The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

SECTION 2.02: DEFINITIONS – A

ACCESSORY BUILDING: A building or structure that is clearly incidental to, customarily found in connection with and located on the same lot as the principal use to which it is related. When an accessory building is attached to the main building in a substantial manner, via a common wall or roof, the accessory building shall be considered a part of the main building for setback purposes.

ACCESSORY STRUCTURE: A subordinate structure detached from but located on the same lot as a principal building and serving a purpose clearly incidental to a permitted use of the lot or of the principal building.

ACCESSORY USE: A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

ADJACENT OR ADJOINING LOT OR PARCEL: Any lot or parcel that is contiguous to a lot or parcel of record because one (1) or more lot lines are touching. This definition shall include lots or parcels that are contiguous to one another at a point, such as a corner. For the purposes of this Ordinance, lots which are separated only by a public or private right-of-way are considered to be adjacent to or adjoining one another.

ADULT FOSTER CARE FACILITY: A facility defined by the Adult Foster Care Facility Licensing Act (PA 218 of 1979), as amended, having as its principal function the receiving of adults for foster care. A facility includes facilities and foster care family 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.

- A. Adult Foster Care Family Home: A private residence with the approved capacity to receive not more than six (6) adults who are provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks.
- B. Adult Foster Care Small Group Home: An adult foster care facility with the approved capacity to receive not more than twelve (12) adults who are provided with foster care.
- C. Adult Foster Care Large Group Home: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care, unless the license requirements defined by the Adult Foster Care Facility Licensing Act (PA 218 of 1979) as amended, allows for more units.

AGRICULTURE: The use of land for tilling the soil, raising trees or field crops, or animal husbandry as a primary source of income or any other use defined by the Michigan Right to Farm Act.

AGRICULTURAL LABOR HOUSING: A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for migratory workers engaged in agricultural activities including related food processing as licensed under the provisions of P.A. 289 of 1965, as amended.

AGRICULTURAL SERVICE ESTABLISHMENTS: Establishments primarily engaged in supplying soil preparation services, crop services, nursery, horticultural services and farm labor and management services.

AIRPORT: Any location which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities and all appurtenant rights-of-way.

AIRPORT HAZARD: Any structure or tree within the airport hazard area which exceeds the height limitations established by this Ordinance, or any use of land or appurtenances within the airport hazard area which interferes with the safe use of the airport by aircraft.

AIRPORT HAZARD AREA: Any area of land or water, or both, lying within a ten (10) mile radius from the established center of the Fremont Municipal Airport in which an airport hazard might exist if not prevented by this Ordinance.

AIRPORT ZONING ACT: Act No. 23 of the Public Acts of the State of Michigan for the year 1950.

ALLEY: A dedicated public way affording a secondary means of access to abutting property, not intended for general traffic circulation.

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

ANIMAL EQUIVALENCY: A measurement used to determine the number of animals permitted in the Agricultural Districts on a given parcel of land. Animal equivalency factors shall be in accordance with the Generally Accepted Animal Management Practices (GAAMPS) Animal Equivalency Units of current adoption by the state, or if not so addressed, by determination of the zoning administrator.

ANIMALS, WILD AND EXOTIC: Any living member of the animal kingdom, including those born or raised in captivity, except the following:

1. Domestic dogs (excluding hybrids with wolves, coyotes or jackals)
2. Domestic cats (excluding hybrids with ocelots or margays)
3. Ferrets
4. Rodents
5. Caged, nonvenomous snakes
6. Captive-bred species of common cage birds
7. Livestock

ARCHITECTURAL DETAIL: That portion of a building containing any architectural projection, relief, cornice, column, change of building material, or window or door opening.

ARCHITECTURAL FEATURE: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

ARTIST/CRAFT STUDIO: The use of premises for the production of paintings, drawings, pottery, sculpture, ceramics, video, moving or still photography, creative writing, including retail sales of materials necessary to accommodate these uses. The studio may include a residential dwelling.

ATTIC: The space between the ceiling beams or similar structural elements, of the top story of a building and the roof rafters.

AUCTION HOUSE: The use of buildings and/or land for the temporary storage and sale on the premises of new and/or used goods by means of request or invitation for bids made either in person or via the internet. Where vehicle sales account for the majority of lots (lots as defined by the auction industry) offered for sale, the business shall be classified as an “open-air business” or “vehicle showroom and sales lot” as opposed to an auction house.

AUTOMOTIVE ORIENTED BUSINESS: A business establishment with a retail or service character related to or focused upon automobiles, such as automotive sales and repair, or businesses that provide products or services to patrons while in or momentarily stepped away from motor vehicles rather than in a building or structure, such as drive-in or drive-through uses.

AUTOMOTIVE REPAIR SHOP: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee.

AVERAGE GRADE: The ground elevation established for the purpose of regulating the height of the building. The grade for measuring the building height shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground for each face of the building. (“Average grade” shall also include “grade”.)

SECTION 2.02: DEFINITIONS - B

BAKERY, RETAIL (Under 8,000 sq. ft.): An establishment primarily engaged in the retail sales of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

BAKERY, WHOLESALE (Over 8,000 sq. ft.): A bakery in which the production and/or wholesaling of baked goods is permitted but where over-the-counter or other retail dispensing of baked goods is prohibited.

BASEMENT OR CELLAR (Also see story): A portion of a building, wholly or partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling (see illustration). A basement shall not be counted as a story.

BED AND BREAKFAST INN: A private, owner-occupied business within a commercial building, with twelve (12) or fewer guest rooms to rent where overnight accommodations are provided and where a morning meal may be provided to transients for compensation.

BED AND BREAKFAST HOME: A private, owner-occupied business within a residence, with five (5) or fewer guest rooms to rent where overnight accommodations are provided and where a morning meal may be provided to transients for compensation.

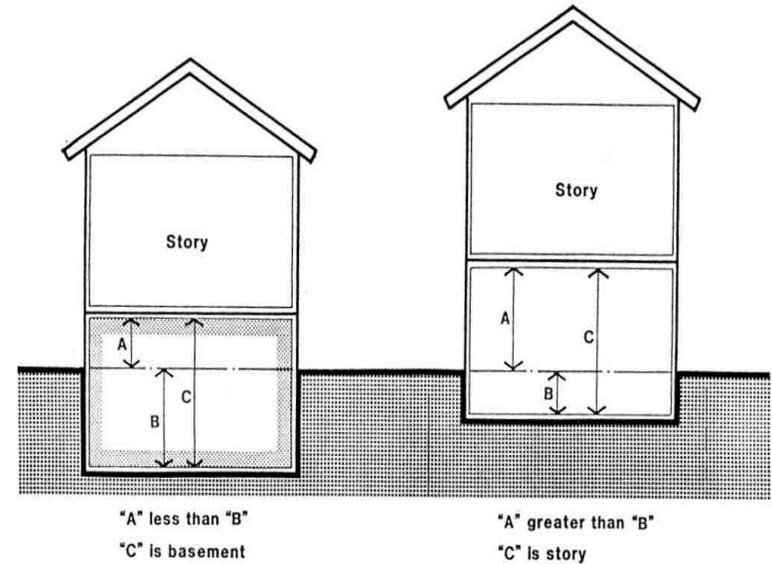
BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or fulfill other such purposes.

BREEZEWAY: Any structure connecting the principal dwelling unit with an accessory building as recognized by the building code.

BREWERY: An industrial use that brews ales, beers, meads, and/or similar beverages on site. This definition excludes brew-on premises stores and/or small micro-breweries operated in conjunction with a bar or restaurant.

BREWERY, MICRO: A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premise. The facility may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

BOARDING HOUSE OR LODGING HOUSE: A dwelling having one (1) or more kitchens and primarily used for the purpose of providing meals and lodging for compensation of any kind.



BUFFER, AGRICULTURAL: An open space area of not less than twenty-five (25) feet in width, beginning at the property line(s) nearest the agricultural activities, and extending into the non-agricultural property. A natural buffer (such as wetland, swale or berm, etc.) may be included as part of the agricultural buffer.

BUFFER, NATURAL VEGETATIVE: See natural vegetative cover.

BUFFER ZONE: 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.

BUILD-TO-LINE: See Required Building Line (RBL)

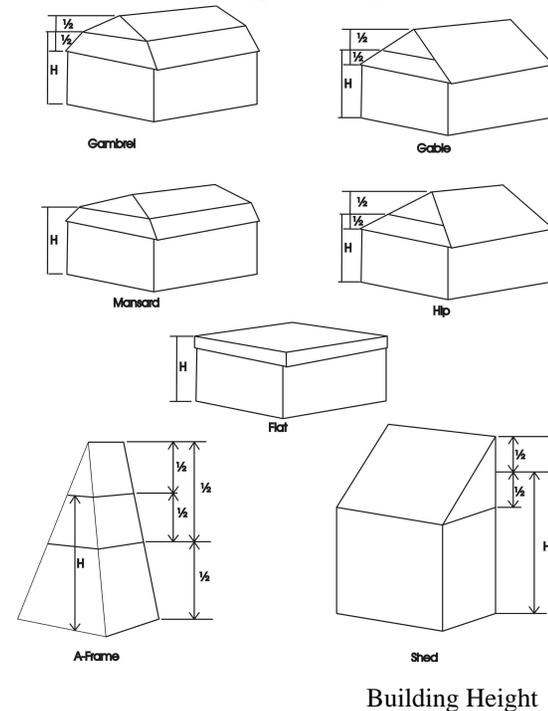
BUILDING: Any enclosed structure having a roof supported by columns, walls or other support used for the purpose of housing or storing of persons, animals or chattels or carrying on business activities or other similar uses.

BUILDING HEIGHT: The vertical distance measured from the average grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs (see illustration).

BUILDING, MAIN: A building where the principal use is conducted on a lot for which it is zoned.

BUILDABLE AREA: The area of the lot within which buildings are to be placed. The buildable area sets the limits of the building footprint now and in the future—additions must be within the buildable area.

BUILDING FRONTAGE: The privately held length of property in front of the building façade.



BUILDING INSPECTOR: The person or persons delegated to issue building permits and/or occupancy permits and to make the required building inspections.

BUILDING PERMIT: A permit issued by an authorized entity to a person or persons authorizing erection, enlargement, alteration or reconstruction of a structure.

BUILDING PLACEMENT: The placement of a building on its lot.

BUILDING TRANSPARENCY: The ability to see into a building with clarity.

BUSINESS CENTER: A building, structure or area housing two (2) or more businesses which meet at least one (1) of the following:

1. Are located on a single parcel of property
2. Are connected by common walls, partitions, canopies or other structural members to form a continuous building or group of buildings
3. Are under one (1) common ownership or management
4. Share a common parking area
5. Otherwise present the appearance of a single, contiguous business area.

SECTION 2.02: DEFINITIONS – C

CANOPY: A freestanding roof-like structure extending from the building façade, built on one (1) or more support posts or supported by the building, designed to offer protection from the weather.

CANOPY TREE: See Tree

CEMETERY: Land intended to be used for the burial of the dead, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of a cemetery.

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 buildings.

CITY: The City of Fremont

CIVIC BUILDING: A building whose principal use is intended for not-for-profit organizations dedicated to arts, culture, education, government, transit and municipal parking facilities.

CLEARING OF LAND: The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona-fide forestry, agricultural or garden use in a district permitting such use.

CLINIC: A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as physician, dentist, or the like, except that human patients are not lodged therein overnight.

CLUB: An organization of people for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings in specific areas on a site allowing remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

COLDFRAME: An unheated outdoor structure with a top of glass or plastic used for protecting seedlings and plants from the cold and that is used to extend the growing season.

COMMISSION, OR JOINT PLANNING COMMISSION: The Joint Planning Commission for the City of Fremont, Dayton Township and Sheridan Charter Township; also referred to as the Fremont Community Joint Planning Commission or FCJPC.

COMMON AREA: That part of a condominium development in which all members have an ownership interest, including but not limited to streets, alleys, walkways and open space.

COMMUNITY GARDEN: An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

COMMUNICATION TOWER: A radio, telephone, cellular telephone or television relay structure or skeleton or monopole attached directly to the ground or other structure utilized for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. Included in this definition are accessory structures and/or enclosures.

CONDOMINIUM ACT: Public Act 59 of the Michigan Public Acts of 1978, as amended.

CONDOMINIUM UNIT: That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.

CONSERVATION EASEMENT: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

CONTRACTOR: A person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

CONTRACTOR OFFICE: A room or group of rooms used for conducting contractor business affairs. Some offices have outdoor storage areas and some do not.

COTTAGE INDUSTRY: An accessory use to a principal residence where the owner of the residence operates a small scale business as part of their lifestyle as a means of income. Uses may include but are not limited to; small scale food processing (without consumption) and artists or craftsmen producing items on site.

COUNTY BOARD: The Newaygo County Board of Commissioners

SECTION 2.02: DEFINITIONS – D

DAY CARE/DAY CARE FACILITY

- A. **FAMILY DAY CARE HOME:** A single family residence, occupied as such, in which care is provided for more than one (1) but less than (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

- B. **GROUP DAY CARE HOME:** A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

- C. **COMMERCIAL DAY CARE:** A facility, other than a private residence, receiving minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

DECORATIVE WALL (MASONRY): A wall of masonry construction materials, such as brick, stone, or an architectural grade of concrete, which reflects or complements the architectural materials on the same or adjoining properties (see illustration).

DECK: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade.

DEED RESTRICTION: A restriction in the use of a lot or parcel of land that is set forth in the property deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

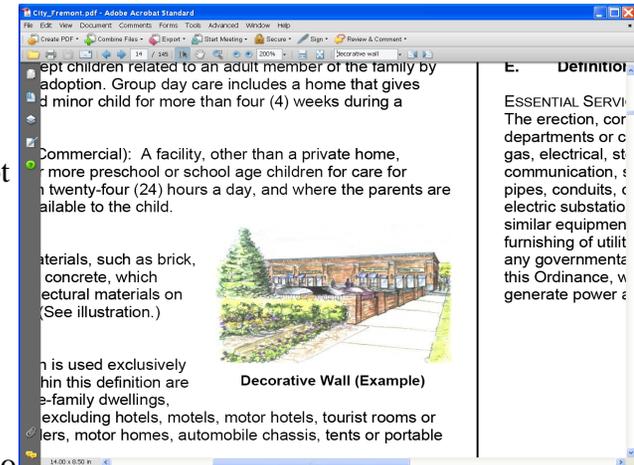
DENSITY: As applied in this Ordinance the number of dwelling units situated on or to be developed on a gross acre of land.

DISTRICT: An area of land within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN RESTAURANT: A business establishment serving food and/or beverages that is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve motor vehicles or serve patrons while in the motor vehicles or to serve patrons at the establishment who will consume the food and/or beverage while in the motor vehicles and on the premises of the drive-in establishment.

DRIVE-THROUGH ESTABLISHMENT: A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons. Examples include banks, cleaners, and restaurants, but vehicle service stations, such as car washes and gas stations are not included.

DRIVEWAY, PRIVATE: An improved or unimproved path extending from a public right-of-way to a building, dwelling or structure, intended to provide ingress and egress primarily for occupants thereof.



DRIVEWAY THROAT: The width of a driveway entrance measured at its widest point, which does not include any flares or radii at the mouth.

DWELLING: A building or portion thereof which is used exclusively for human habitation. Included within this definition are one-family, two-family and multiple-family dwellings, boarding and lodging houses, but excluding hotels, motels, motor hotels, tourist rooms or bed and breakfast operations, trailers, motor homes, automobile chassis, tents or portable buildings.

- A. Dwelling, multiple-family: A dwelling containing three (3) or more dwelling units.
- B. Dwelling, single-family detached: A building containing one (1) dwelling unit designed for and occupied by not more than one (1) family, surrounded by open space or yards on the same lot.
- C. Dwelling, single-family attached: A dwelling attached to one (1) other dwelling by a common vertical wall, and each dwelling is located on a separate lot.
- D. Dwelling, two-family: A dwelling on a single lot containing two (2) dwelling units, each of which is totally separated from the other.
- E. Dwelling unit: A room or a suite of rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for use by one (1) family only.
- F. Dwelling, seasonal: One-family dwellings not regularly occupied but owned and maintained for occasional use.

SECTION 2.02: DEFINITIONS – E

EASEMENT: A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

ELEEMOSYNARY: It means derived from or provided by charity.

ERECTED: The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for structure(s).

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments, commissions or any governmental agencies, or for the public health, safety or welfare. For the purposes of this Ordinance, wireless communications towers and antennas or wind driven devices to generate power are not considered essential services.

EQUINE BOARDING STABLE AND TRAINING FACILITY: Commercial horse, donkey and mule facilities including: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities and pack stations. This land use includes barns, stables, corrals and paddocks accessory and incidental to the above uses.

EXCAVATION: Any breaking of ground to hollow out by cutting, digging or removing any soil or rock matter.

SECTION 2.02: DEFINITIONS – F

FAÇADE: The vertical surface of a building that is set on or parallel to a frontage line. The elevation of a façade is the vertical surface area (see picture).

FAÇADE VARIATION: Shifts in the plane of walls, setbacks, reveals, overhangs, and details in order to create variations in a building façade (see picture).

FAMILY

- A. An individual or group of two or more persons related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single nonprofit housekeeping

The screenshot shows a PDF document titled 'City_Fremont.pdf' in Adobe Acrobat Standard. The main content area displays a photograph of a multi-story building facade with a mix of brick and lighter-colored sections, featuring several windows and architectural details. Below the photograph is the caption 'Facade (Example)'. To the right of the photograph is a table with the following structure:

FLOOR AREA	
1.	
2.	

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unit; or a collective number of individuals living together in one (1) dwelling unit, having a relationship which is functionally equivalent to a family.

- B. The relationship must be a permanent and distinct character, cooking as a single housekeeping unit with a demonstrable and recognizable bond characteristic of a cohesive unit.
- C. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, coterie, combine, federation, organization which is not a religious order, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary and/or of resort-seasonal character in nature.
- D. The term “family” does not include any adult foster care facility licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq., MSA 16.610 (51) et seq.) except an adult foster care family home as defined in Section 3 of that act (MCL 400.703, MSA 16.610(53)).

FARM: “Farm” means the land, plans, animals, buildings, structures, including ponds used for agricultural or aqua-cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. A farm as defined by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs or sales, contractor yards, refuse composting operations, or any other activities than those incidental to the bona fide farm.

FARM MARKET: The offering for sale of fresh agricultural products directly to the consumer at a pre-designated area, located within a parking lot or on private property.

FARM OPERATION: “Farm operation” means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

1. Marketing of produce at roadside stands or farm markets
2. Generation of noise, odors, dust, fumes, and other associated conditions
3. Operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm dryers and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway
4. Field preparation and ground and aerial seeding and spraying
5. Application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides
6. Use of alternative pest management techniques
7. Fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals

8. Management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes
9. Employment and use of labor

FARM PRODUCT: “Farm product” means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aqua-cultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber or fur, as determined by the Michigan Commission of Agriculture. However, Farm product does not include the management and harvesting of a wood lot.

FEEDLOT [Also known as Concentrated Animal Feeding Operation (CAFO)]: Any parcel for the purpose of concentrated livestock operations such as but not limited to the commercial feeding, housing, breeding, milking, or fattening shall be defined as a CAFO. Whether a parcel is a CAFO shall be determined by the number of animals at the facility. To be considered a CAFO, an Animal Feeding Operation (AFO) must stable or confine and feed or maintain for a total of forty-five (45) days or more in any twelve (12) month period, more than the number of animal equivalence units as specified in the Michigan Department of Agriculture Generally Accepted Agriculture and Management Practices (GAAMPs) for Site Selection and Odor Control for New and Expanding Livestock production Facilities as adopted by the Michigan Commission of Agriculture in July 2002 and as may be amended from time to time.

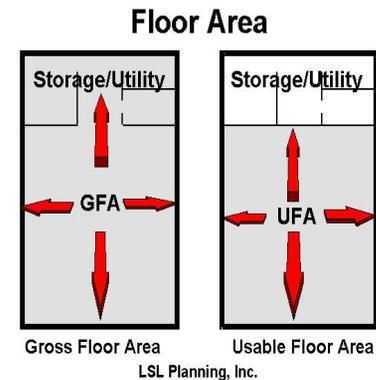
FENCE: Any permanent or seasonal partition, wall or unroofed structure erected for the purpose of separating, screening, enclosing or protecting property.

FILLING: The depositing or dumping of any matter into or onto the ground except for common household gardening and general maintenance.

FLOOD PLAIN: All areas adjoining a lake, stream, river or creek or a channel which are subject to inundation at the highest known flood water level.

FLOOR AREA: Floor Area, Gross (GFA): The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or from the centerline of walls separating two (2) buildings (see illustration).

- A. Floor Area, Residential: The area of a residential dwelling unit that is the area within the building measured from the exterior of the exterior walls, assembly or structural supports, but not including areas of basements, unfinished attics, attached or detached accessory structures, breezeways or enclosed and unenclosed porches.
- B. Floor Area, Gross Leasable (GLA): All ground and non-ground floor area used, or designed to be used, for the sale or display of merchandise or services or to serve patrons, clients or customers.
- C. Floor Area, Usable (UFA): The gross floor area of the building minus the areas of the building being used in a manner that is supplementary to the principal use of the property, such as floor area which is being used or designed to be used as restrooms, closets, corridors and mechanical rooms (see illustration).



FORM-BASED DISTRICTS: The Downtown Commercial District, the Urban Commercial District, the Estate Residential District, the Neighborhood Residential District and the Mixed-Use District.

FREESTANDING COMMERCIAL USE: A use independent of other uses and which, because of its nature, generates its own customers or clients within its own building and/or site.

FRONTAGE LINE: Those lot lines that adjoin a public or private thoroughfare. For lots with more than one (1) frontage line, each shall be considered a frontage line.

- A. Private frontage: The distance from the property line to the building façade.
- B. Public frontage: The distance from the edge of the lanes to the property line (curb, planter, walkway)

FRONTAGE ROAD: The horizontal distance between the side lot lines measured along the street right-of-way or easement line. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback. These lots shall have a minimum frontage of thirty (30) feet at the front property line.

FRONTAGE, WATERFRONT: The horizontal distance between the side lot lines measured at the ordinary high water mark of water body.

FUNNELING: The use of a waterfront property, parcel or lot as common open space for waterfront access for a larger number of parcels located away from the waterfront.

FUR BEARING ANIMALS: Non-livestock animals that are raised for their pelts, like mink or fox.

Frontage Road

SECTION 2.02: DEFINITIONS – G

GARAGE: A building used primarily for the storage of self-propelled vehicles for the use of occupants of a lot on which the building is located.

GARAGE APARTMENT: A private garage, the second floor of which is designed, constructed and/or used for one dwelling unit.

GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES (GAAMPS): The specific standards approved by the Michigan Agriculture Commission addressing the management and operation of agricultural farming operations administered by the Michigan Department of Agriculture.

GOVERNING BODY: The Dayton Township Board, the Sheridan Charter Township Board and the Fremont City Council.

GRADE (Also see Average Grade).

GREENBELT: A strip of land of specified width and location reserved for the preservation or planting of shrubs and/or trees to serve as an obscuring screen or buffer strip.

GREENHOUSE: A building made of glass, plastic or fiberglass in which plants are cultivated and that is used to extend the growing season.

SECTION 2.02: DEFINITIONS – H

HAZARDOUS SUBSTANCE: Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties may be detrimental or harmful to the health of any person or animal coming into contact with such material or substance.

HIGH WATER MARK: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

HOME-BASED BUSINESS: A business operation based on the same premises as a single-family dwelling which is clearly an incidental and secondary use of the dwelling but conducted primarily off premises. Examples of home-based businesses include construction contractors, well drilling, independent trucking, small scale heavy equipment operator, or landscaping services.

HOME OCCUPATION: An occupation customarily conducted within a dwelling or accessory structure by its occupants as a subordinate use. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

HOOPHOUSE: A structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape that is used to extend the growing season.

HOSPITAL: An institution providing health services, primarily for in-patients and medical or surgical care including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL: An establishment providing for a fee, sleeping accommodations and customary lodging services, including maid service, bathroom facilities, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars and recreational facilities.

SECTION 2.02: DEFINITIONS – I

(Reserved for future use.)

SECTION 2.02: DEFINITIONS – J

JOINT ZONING BOARD OF APPEALS: The Fremont Community Joint Zoning Board of Appeals (FCJZBA) for Dayton Township, Sheridan Charter Township and the City of Fremont.

JUNK OR SALVAGE YARD: Any space more than two hundred (200) sq. ft. in area, whether inside or outside a building, used for storage, keeping, processing, salvaging or abandonment of junk.

JUNK: Any scrap, waste, worn out or discarded material, or debris collected or stored for destruction, disposal or recycling.

SECTION 2.02: DEFINITIONS – K

KENNEL, COMMERCIAL: Any lot or premises on which three (3) or more dogs, cats or other household pets, six (6) months of age or older, are either permanently or temporarily boarded for a fee or other consideration. The term “commercial kennel” includes any lot or premises where household pets are bred or sold for a fee or other consideration.

SECTION 2.02: DEFINITIONS – L

LAND DIVISION ACT: The Land Division Act of Michigan, Public Act 288 of 1967, as amended (also known as the Subdivision Control Act) (MCL 560.101 et seq., MSA 26.430 (101) et seq.).

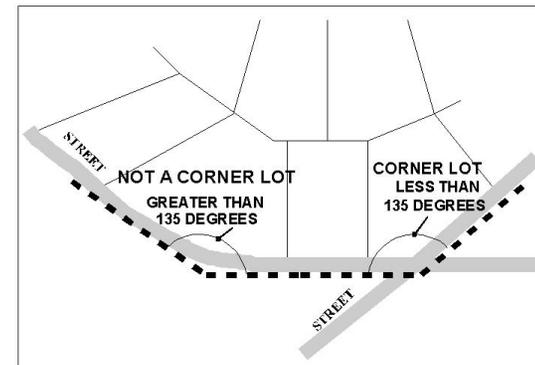
LICENSED DAY-CARE FACILITY: A state licensed facility for the care of preschool and/or school-aged children.

LIVESTOCK: Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT: A piece 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. The word “lot” shall include plot or parcel. A lot need not be a “lot of record”. A lot may also mean a condominium unit in a site condominium, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership or use.

- A. Lot, Corner: A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees (see illustration).
- B. Lot, Double Frontage (Through): Any lot which fronts on two (2) streets which do not intersect at that lot.
- C. Lot, Flag: A lot whose access to the public road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property.
- D. Lot, Interior: A lot with only one (1) lot line fronting on a street or with contiguous sides meeting at an angle of greater than 135 degrees.
- E. Lot, Waterfront: A lot having frontage directly upon a lake or otherwise formed impoundments of water.



Lot Corner

LOT AREA: The total area encompassed within the lines of a parcel or piece of property.

LOT COVERAGE: The part or percentage of the lot occupied by buildings, including accessory buildings, and all impervious surfaces.

LOT DEPTH: The horizontal distance from the lot frontage to the rear of the lot measured as described below:

- A. Corner lot: The longer of the two (2) mean distances between either side lot line and its opposite front lot line.
- B. Cul-de-sac lot: The mean distance between the front yard setback line and the opposite rear lot line.
- C. Double frontage (through) lot: The mean distance between the two (2) front lot lines.
- D. Interior lot: The mean distance between the front and rear lot lines.
- E. Waterfront lot: The mean distance between the waterfront lot line and the opposite rear or street side lot line.

LOT LINES: The property lines or other legally described and recorded lines bounding the lot, specifically:

- a. Front lot line: Any lot line commingled and parallel with a street right-of-way or private road easement (see illustration). For waterfront lots, the ordinary high water mark.
- B. Rear lot line: That line opposite and most distant from the front lot line.
- C. Side lot line: Any line not a front, rear or street lot line. A side lot line separating a lot from another lots, is an interior side lot line.
- D. Street lot line: In the case of lake frontage lots, that lot line fronting on a street right-of-way or private road easement and opposite or perpendicular to the waterfront.

LOT OF RECORD: A lot which exists in a subdivision plat as shown on the records of the County Register of Deeds or a lot or parcel described by metes and bounds which has been legally created and recorded as required by law.

LOT WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line or front setback line intersects the side lot lines, excluding easements for public or private streets or as described below.

- A. Corner, lot: The shorter of the two (2) distances between either side lot line and its opposite front lot line as measured at the right-of-way or private road easement line.
- B. Cul-de-sac lot: The horizontal distance between the side lot lines as measured at the front yard setback line.
- C. Double frontage (Through) lot: The shortest distance between the two side lot lines as measured at the right-of-way or private road easement lines.

- D. Interior lot: The distance between the side lot lines, as measured at the right-of-way or private road easement lines.
- E. Waterfront lot: The horizontal distance between the side lot lines as measured at the waterfront (ordinary high water mark)

SECTION 2.02: DEFINITIONS – M

MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

MAIN ENTRANCE OR ENTRANCE: The principal point of access for pedestrians to a building.

MANUFACTURED HOME: A structure transportable in one (1) or more sections, connected to required utilities which includes the plumbing, heating, air conditioning and electrical systems contained in the structure, built on a chassis and designed to be used as a single dwelling unit with or without a permanent foundation.

MANUFACTURED HOUSING DEVELOPMENT: A parcel or tract of land which is under the control of one (1) person, group or firm upon which three (3) or more manufactured homes have been located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

MARINA: A business offering the sale or rental of boats and marine sporting equipment and the servicing, repair or storage of same. Such establishments may also provide slip rental, gasoline, sanitary pumpout service and food, drink and transient lodging accommodations.

MASTER PLAN: The Fremont Community Joint Comprehensive and Growth Management Plan for the City of Fremont, Dayton Township, and Sheridan Charter Township, including appropriate graphic and written materials regarding the physical development of the City and the Townships. The term “Master Plan” includes any unit or part of the plan and any amendment to the plan or parts thereof.

MECHANICAL EQUIPMENT: Air conditioning equipment, sprinkler system controls and similar mechanical equipment (including utility’s pad mounted equipment).

MEDICAL CENTER OR CLINIC: A health care facility, which may include a multi-disciplinary physician medical building providing office visits, consultations, diagnostic tests, emergency medicine, treatments, ambulatory surgery and other medical activities, not requiring an overnight stay by patients.

MEDICAL MARIHUANA DISPENSARY: Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is sold, grown, processed, delivered, transmitted, dispensed or distributed by or to one or more of the following:

- A. A primary caregiver (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
- B. A qualifying patient (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended.)

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is consumed on the property of a business, association, cooperative, or commercial operation or facility or on a public or government property.

A medical marihuana dispensary shall include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended) so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and it is done in full compliance with not only this Ordinance but also any other applicable Ordinance or Code provision.

MEZZANINE: An intermediate floor in any story which does not occupy more than one-third (1/3) of the floor area of a story.

MIXED-USE DEVELOPMENT: A mixed-use development shall consist of two (2) or more primary land use components such as residential-retail business, retail business-offices, residential-offices, etc. and which are harmoniously grouped into a visually compatible and functional land use arrangement not otherwise permitted under a single zoning district and where the arrangement of buildings and uses are appropriately related to the internal and external circulation system including both vehicular and pedestrian

ways and to a system of common open spaces including recreational and natural areas, if applicable. A mixed-use development is designed to achieve an economic and physical balance between two (2) or more principal uses.

MOTEL: A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

MUNICIPAL AND PUBLIC SERVICE ACTIVITIES: Services traditionally provided by local government, including water and sewer, roads, parks, schools and police and fire protection.

SECTION 2.02: DEFINITIONS – N

NATURAL FEATURES: Natural features shall include, but shall not be limited to: soils, wetlands, woodlots, floodways, landmark trees, fence rows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the FCJPC or the State of Michigan Natural Features Inventory.

NATURAL VEGETATIVE COVER: Natural vegetation, including bushes, shrubs, ground cover, and trees, on a lot or parcel which is in a wild state. A groomed lawn or formal landscaping is not natural vegetative cover.

NONCONFORMING

- A. **NONCONFORMING BUILDING OR STRUCTURE:** A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, which does not conform to the provisions of this Ordinance for the district in which it is located.
- B. **NONCONFORMING BUILDING ELEMENTS:** A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, which does not conform to the façade variation, entry, transparency or building material requirement provisions of this Ordinance for the district in which it is located.
- C. **NONCONFORMING LOT:** A lot with area or dimension lawfully existing at the effective date of this Ordinance or amendments thereto with less than the minimum area, dimension or access requirements or other requirement of the zoning district in which it is located.

- D. **NONCONFORMING SITE ELEMENTS:** A building site or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, which does not conform to the landscaping, paving, buffers, lighting, sidewalks, and other similar elements of the zoning district in which it is located.
- E. **NONCONFORMING USE:** A use that lawfully occupied a building or land on the effective date of this Ordinance or any amendments thereto, that does not conform to the use regulations of the district in which it is located.

NUISANCE: A condition, activity or situation (such as a loud noise or foul odor) that interferes with the use or enjoyment of property; esp., a non-transitory condition or persistent activity that either injures the physical condition of adjacent land or interferes with its use or with the enjoyment of easements on the land or of public highways.

NURSING HOME: A state-licensed facility for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation.

NURSERY, PLANT: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants. The definition of nursery within the meaning of this Ordinance does not include any temporary space, building or structure used for the sale of fruits, vegetables or harvest and cut holiday trees.

SECTION 2.02: DEFINITIONS – O

OCCUPANCY PERMIT: A permit issued by a building inspector prior to occupancy of any newly established dwelling unit.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

OPEN AIR BUSINESS: Uses operated substantially in the open air, including, but not limited to:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, rental or storage services.
2. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
3. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Flea markets.

OPEN SPACE: That part of a lot, including courts or yards, which is open and unobstructed from its lowest level to the sky; is accessible, and which remains in its natural state and/or is restricted for use for active and/or passive outdoor recreational purposes.

OPEN SPACE DEVELOPMENT: A development in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space on-site.

OPEN SPACE, COMMON: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

OPEN SPACE, DEDICATED: Common open space dedicated as a permanent recorded easement or a deed restriction.

OPEN SPACE, USABLE: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation or agriculture.

OUTDOOR BOILER: Outdoor boiler shall mean a mechanical devise used for heating which is accessory to and situated outside a building and which is designed to burn wood or other organic materials, and which may also be referred to as an outdoor furnace.

OUTDOOR RECREATION DEVELOPMENT/FACILITY: Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, paintball facility and motorized model airplane facilities.

OUTDOOR DISPLAY AREA: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product or service.

OUTDOOR VEHICLE DISPLAY AREA: An area used for the display, sale or rental, but not for the repair, of new or used motor vehicles, boats, trailers, snowmobiles, farm equipment, construction equipment, or mobile homes in operable condition.

OUTDOOR INVENTORY: Goods for sale, storage or display that have a large size, mass or volume and are not easily moved or carried.

SECTION 2.02: DEFINITIONS – P

PARK: Properties and facilities owned and operated by any governmental agency or owned and operated by any private agency, which are open to the general public for recreation purposes.

PARK, MINI: A park, as defined by the Michigan Department of Natural Resources, which is between 2,500 square feet and one acre in size which addresses limited or isolated recreational needs.

PARKING AREA: An area used for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

PARKING LOT: A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

PARKING SPACE: An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, fully accessible for the storage or parking of permitted vehicles.

PARTICIPATING MUNICIPALITIES: Participating municipalities are Dayton Township, Sheridan Charter Township and the City of Fremont.

PEDESTRIAN CHARACTER: Those conditions that encourage a continuous pedestrian environment.

PEDESTRIAN-ORIENTED DEVELOPMENT: Development which accommodates the needs of pedestrians and cars equally, with parking to the side or rear of a building, mixed uses and a variety of detailed streetscapes.

PERSON: A legal entity or individual human being. “Person” shall include an association, corporation, organization, partnership or a firm.

PLANNED UNIT DEVELOPMENT (PUD): A development approved under the provisions of this Ordinance that permits certain flexibility in use, lot dimensions, and other development requirements for certain purposes as defined by the Zoning Act and this Ordinance.

PLANNING ACT: Act 33 of the Michigan Public Acts of 2008, as amended.

PLANNING COMMISSION: Joint Planning Commission (JPC) for Dayton Township, Sheridan Charter Township and the City of Fremont. Also referred to as the Fremont Community Joint Planning Commission (FCJPC).

PLAYGROUND: An area used for outdoor play or recreation, especially by children, and often containing recreational equipment such as slides and swings.

PORCH, ENCLOSED: A horizontal surface consisting of a deck, slab or other similar construction attached to a main building or attached garage and designed for outdoor seating or as a means of entry to the building. A porch is enclosed if covered by a structure that is supported by pillars or other similar means and enclosed by windows, screens, or other similar method.

PRINCIPAL USE: The primary use to which the premises are devoted and the primary purpose for which the premises exist.

PROPERTY LINES: Legal boundaries of a lot, plot or parcel.

PROJECTION: A portion of the main building that projects from the wall or established foundation line of the main building, such as overhanging eaves, bay windows, balconies, etc.

PUBLIC UTILITY: Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish to the public, under Federal, State or municipal regulations, electricity, gas, steam, communications (except cellular telephone or commercial wireless communications towers), telegraph, transportation or water services.

SECTION 2.02: DEFINITIONS – Q

QUARTER/QUARTER ZONING: A quarter of a quarter of a land section (1/16 of 640 acres or 40 acres). A nonexclusive, density-based zoning method designed to preserve farm land indefinitely. A limited number of potential home sites are allowed for every 40 acres of land.

SECTION 2.02: DEFINITIONS – R

RECREATION VEHICLE: A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RECYCLING FACILITY: A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets.

RELIGIOUS INSTITUTION: Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site (as an accessory use).

REQUIRED BUILDING LINE (RBL): Also referred to as the “build-to” line. The required location for the setback of a building (a requirement, not a permissive minimum as in a setback). The required building line runs parallel to the front property line and is established to create an even building façade line on a street.

RIGHT-OF-WAY (ROW): The limit of publicly owned or dedicated land or easement encompassing a street or alley.

RESTAURANT: An establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, either inside or outside.

RESTAURANT, SEASONAL: An establishment under 1,000 sq. ft. where food and drink are prepared and served, which can be open no more than nine (9) months during one year, and where walk-up windows and one (1) drive through lane are allowed.

ROADSIDE STAND: A structure of under one hundred (100) sq. ft. for the display and sale of agricultural products.

SECTION 2.02: DEFINITIONS – S

SATELLITE DISH: A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, sub-reflector feed, amplifier and support system.

SCREEN: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials. If the screen is composed of non-living material, such material shall be compatible with materials used in the construction of the main building, but in no case shall include wire fencing.

SEASONAL DWELLING: Single-family dwellings not regularly occupied but owned and maintained for occasional use.

SEASONAL SALE: The display for sale of goods, such as holiday trees, related to a holiday or event which occurs once per year.

SERVICE STATION (FILLING STATION): A place where fuel and lubricating oils for motor vehicles are offered for sale at retail to the public, including sales of automobile accessories and minor repair service but not including major automotive repairs.

SETBACK: The minimum required horizontal distance measured from the front, side, rear or street lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

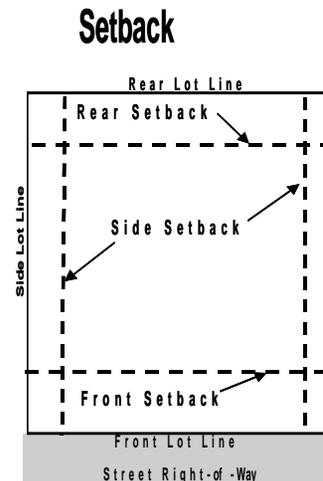
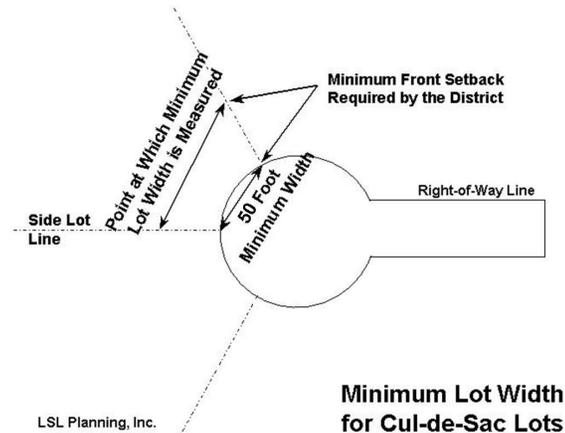
SETBACK LINES: The minimum horizontal distance required by this Ordinance, measured from the front, side or rear lot line, as the case may be, which describes a distance termed the required setback area on a lot or parcel (see illustrations). (Setback is used when there is no RBL)

A. Front setback line: The line marking the required setback distance from the center of the right-of-way, private road easement, or ordinary high water mark, which establishes the minimum front yard setback area.

B. Rear setback line: The line marking the required setback distance from the rear lot line which establishes the minimum rear yard setback area.

C. Side setback line: Lines marking the required setback distance from the side lot lines to the building, which establish the minimum side yard setback area.

D. Street setback line: For waterfront lots where applicable, the line marking the required setback distance from the street lot line, which establishes the minimum street yard setback area.



SENIOR HOUSING: A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 368 of the Public Acts of 1978.

SEXUALLY ORIENTED BUSINESSES/REGULATED USES: Those uses specified and defined as, but not limited to, all adult bookstore, adult cabaret, adult drive-in, adult film store, adult motion picture theater, and/or adult novelty store.

The following are definitions relating to sexually oriented businesses:

A. Adult bookstore or adult video store: An adult bookstore or adult video store means a commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, which would include any one or more of the following items:

1. Books, magazines, periodicals or other printed matter or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format including, but not limited to compact discs (CDs) or digital video discs (DVDs), greeting cards, or video reproductions, slides or other visual representations or electrical media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of “specified anatomical areas” or “specified sexual activities”; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing “specified anatomical areas” or “specified sexual activities” and still be categorized as an adult bookstore or adult video store. Such other stock in trade will not serve to exempt such a commercial establishment from being characterized as an adult bookstore or adult video store so long as a substantial portion of the commercial establishment’s stock in trade is the offering for sale or rental for consideration the specified merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.

The phrase “substantial portion of its stock in trade” shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:

1. Twenty-five percent (25%) or more of the commercial establishment’s gross sales area is used for the sale or merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”. For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office and shipping areas, without deduction for corridors, display fixtures, stairways, public restroom closets, the thickness of interior walls, columns or other features.
2. Twenty-five percent (25%) or more of the commercial establishment’s stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.

3. Twenty-five (25%) or more of the commercial establishment's gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".
- B. Adult Cabaret: An adult cabaret means a nightclub, restaurant, or other similar commercial establishment which regularly features or displays:
1. Persons who appear in a state of nudity; or
 2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any "specified anatomical areas" or "specified sexual activities"; or
 3. Films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of a "specified anatomical areas" or "specified sexual activities".
- C. Adult Motion Pictures Theater: An adult motion picture means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities". This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.
- D. Massage establishment: Any building room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term "massage establishment" includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term "massage establishment" shall not include:
1. Hospitals, nursing homes, medical clinics;
 2. The office of a state-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
 3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established

limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders:

4. The establishment of a myomassologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.

E. Sexually Oriented Business: An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented business.

F. Specified Anatomical Areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

G. Specified Sexual Activities:

1. The fondling of any or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
2. Sex acts, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory function as part of, or in connection, with any of the activities set forth in (1) and (2) above.

SHRUB: A self-supporting, deciduous or evergreen woody plant generally less than fifteen (15) feet in height with several erect, spreading or prostrate stems and having a general bushy appearance.

SIGN: Any announcement, declaration, illustration or insignia used to advertise or to promote the interests of any person, product, or project when the same is placed, painted or displayed out-of-doors in view of the general public.

(See Chapter 3 “General Provisions” for definitions of various sign types.)

SINGLE OWNERSHIP: Ownership by one person or by two (2) or more persons jointly, as tenants by the entirety, joint tenants with right of survivorship or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

SPECIAL USES: Uses not of a general nature and not a use by right, requiring special approval as authorized in this Ordinance.

STACKING SPACE: An area designated for a line of vehicles waiting for drive-through service.

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

STORAGE, MINI: A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer’s goods or wares which are not used on a daily basis.

STOREFRONT: A storefront is a street level façade that:

1. Is not a blank wall
2. Has at least one (1) entrance.
3. Has the appearance of a commercial store and the ability to function as an independent store without any exterior modification.

STORY: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next

above. A story shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground (see illustration).

STORY, HALF: That part of a building between a pitched roof and the uppermost full story, having a horizontal ceiling area at a height of seven and one half (7-1/2) feet, which is half or less than that of the ceiling area of the story immediately below.

STREET ORIENTATION: The direction of the architectural front façade of a building in relation to the street.

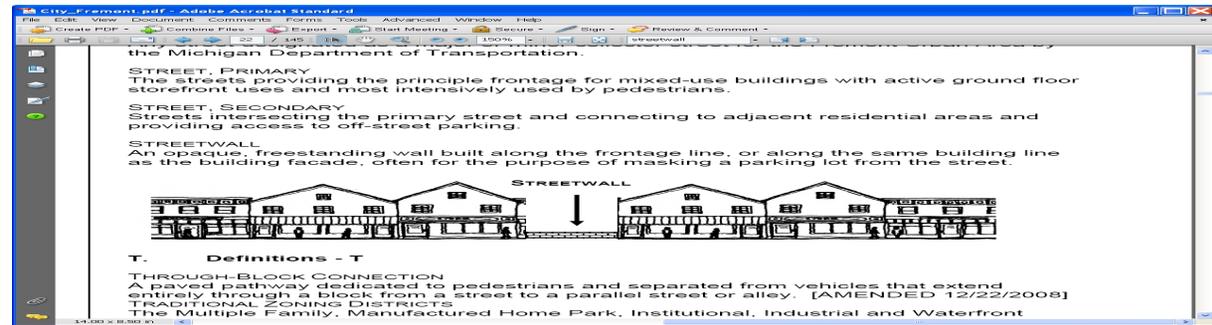
STREET RELATED DEFINITIONS

- A. Collector or arterial road: Roads that gather traffic from local streets and/or move larger volumes of traffic through the Fremont community.
- B. Cul-de-Sac: A local road of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.
- C. Court: A road design which provides centrally located green space surrounded by a loop of the roadway (see graphic).
- D. Driveway: A means of access for vehicles from a road or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the County Road Commission or State of Michigan (depending on which entity exercises authority over the road from which driveway access is derived).
- E. Eyebrow: A road design which sweeps away from the main road and back into the main road in an arc (see graphic).
- F. Local street: A public road with local traffic volumes, the principal use or function of which is to give access to abutting properties.
- G. Public road authority: The Newaygo County Road Commission or Michigan Department of Transportation having jurisdiction over the roadway.
- H. Private road: An undedicated, privately controlled and maintained easement or other interest in land that provides the means of access to two (2) or more lots or parcels. The term “road” shall be synonymous with the terms street, avenue, place, way, drive, land, boulevard, or other thoroughfare.
- I. Right-of-way: A road, alley, or other thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.
- J. Public street: A publicly-owned thoroughfare, which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.
- K. Stub: A road design which permits the extension of the roadway when adjacent lands are developed (see graphic).

STREETSCAPE: This term refers to the various components that make up the street, both in the right- of- way and on private lot frontages. It includes pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, front yard fences, front yards, front porches, etc.

STREETSCAPE PLAN: A Plan which may include maps, illustrations, and written descriptions which define the minimum standards for the street environment including the space between buildings, streets, paving, signage, trees, lights and street furniture.

STREETWALL: An opaque, freestanding wall built along the frontage line, or along the same building line as the building façade, often for the purpose of masking a parking lot from the street. (see illustration).



STRUCTURE: Anything, including a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

SWIMMING POOL: A constructed basin or structure for the holding of water for swimming or aquatic recreation. Swimming pools do not include plastic, canvas or a rubber portable pool temporarily erected upon the ground holding less than 1,000 gallons of water.

SECTION 2.02: DEFINITIONS – T

TEMPORARY BUILDING OR USE: A building, structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as allowed by this Ordinance.

THROUGH-BLOCK CONNECTION: A paved pathway dedicated to pedestrians and separated from vehicles that extends entirely through a block from a street to a parallel street or alley.

TOWNSHIPS: Dayton Township and Sheridan Charter Township

TRADITIONAL ZONING DISTRICTS: All zoning districts which are not form-based.

TRAILER: A portable unit built without a permanent foundation to be towed on its own chassis comprised of frame and wheels, designed either with self-contained utilities or to be connected to utilities at a site and used as temporary living quarters.

TRANSPARENCY: The ability to see through clearly. An opening in the building wall allowing light and views between interior and exterior, measured as glass area for buildings and as open area for parking structures.

TREE: A self-supporting woody, deciduous, or evergreen plant which at maturity is fifteen (15) feet or more in height with an erect perennial trunk and having a definite crown of foliage.

- A. Deciduous tree: A tree that sheds its foliage at the end of the growing season.
- B. Deciduous canopy tree: A deciduous tree which has a height of twenty-five (25) feet or more, where the branch structure provides foliage primarily on the upper half of the tree.
- C. Deciduous ornamental tree: A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty-five (25) feet or less.
- D. Evergreen tree: A tree that has foliage that persists and remains green throughout the year.

TREES, LANDMARK: A tree(s) commonly recognized as an established and familiar feature of the Fremont community or as a significant part of the Fremont community's heritage. Landmark trees tend to be larger in girth than other trees of the same species in the area. The trees are a prominent part of the landscape.

TRUCK TERMINAL: A transportation facility that serves as a hub in the freight distribution system, where the transfer or distribution of goods between commercial vehicles takes place. A truck terminal or distribution center does not include a warehouse or a truck yard.

SECTION 2.02: DEFINITIONS – U

UTILITY SERVICE PROVIDER: Any person firm, cooperative or other organization who provides to any other person utility service, including but not limited to electric, telephone, piped natural gas, cable television and internet.

SECTION 2.02: DEFINITIONS – V

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would create practical difficulties owing to circumstances unique to the individual property for which the variance is requested.

VEHICLE: A self-propelled conveyance designed or used for the transportation of persons or goods or for the performance of a recreational, agricultural or excavating/earth-moving function. It shall include, but not be limited to, the following:

1. ATV's, automobiles, boats, buses, combines, go-carts, loaders, motor bikes, motorcycles, motor homes (recreational vehicles) motor scooters, PWCs (jet-skis), race cars, snowmobiles, tractors, trucks, and
2. Any contrivance designed to be pulled or propelled by any of the above.

VEHICLE AND RECREATIONAL VEHICLE SALES AREA: An outdoor area used for the storage, display, sale or rental of new or used motor vehicles or recreational vehicles in operable condition.

VEHICLE REPAIR: Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicular rust-proofing; or refinishing or steam cleaning.

VEHICLE SERVICE ESTABLISHMENT: A place where gasoline, kerosene or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling and light motor service on the premises.

VEHICLE SERVICE STATION: A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Section.

VEHICLE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

VETERINARY CLINIC: A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages only within the walls of the clinic structure.

VISION GLASS: A type of glass with a high degree of transparency and which does not have dark tinting or highly reflective coatings or applied film. The intent is to be able to see into the interior space throughout the day and night.

SECTION 2.02: DEFINITIONS – W

WALL, BLANK: A blank wall is a street façade that is characterized by a lack of transparency through which a pedestrian can see. A blank wall:

1. Does not have glass on a high percentage of the façade; or
2. Does not have glass that is transparent; or
3. Does not have glass that is maintained (spaced) across the entire façade, or
4. Does not have glass that is placed at pedestrian eye-level

WATERCOURSE: Any waterway, river, stream, county drain, inland lake or pond or other body of water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. The term “watercourse” does not include lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water and does not include lagoons used for treating polluted water.

WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

The definition applies to public and private lands regardless of zoning or ownership. Wetlands are regulated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

WIND TURBINE: An energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind turbine may also be deemed a windmill.

WIRELESS COMMUNICATIONS FACILITIES: Wireless Communications Facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities.

WIRELESS COMMUNICATIONS FACILITIES (attached): Wireless Communications Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

WIRELESS COMMUNICATION SUPPORT STRUCTURES: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, mono-poles, lattice towers, light poles, wood poles and guyed towers or other structures which appear to be something other than a mere support structure.

WIRELESS COMMUNICATION FACILITY CO-LOCATION: Wireless communication facility co-location shall mean the location by two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

WOOD FURNACE OR OUTDOOR WOOD STOVE: A wood burning, mechanical device used for heating, which is accessory to and situated outside a building. Also known as outdoor furnaces or boilers.

SECTION 2.02: DEFINITIONS – X

(Reserved for Future Use)

SECTION 2.02: DEFINITIONS – Y

YARD: An open space on the same land as a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein (see illustration).

A. **Yard, Required Front:** An open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.

B. **Yard, Required Rear:** An open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.

C. Yard, Required Side. An open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

SECTION 2.02: DEFINITIONS – Z

ZONING ACT: The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

ZONING ADMINISTRATOR: The individual or his/her designee appointed as outlined in this Ordinance to administer the provisions of this Ordinance.