

**SEC. 2.8-A. DRIVE-IN THEATRE**

An open-air theater wherein the major portion of the area used therefor is without roof or cover and which is designed to be used principally by patrons who drive in to observe motion pictures or other presentations from their own vehicles. (Ord. 925-E, effective November 19, 1954.)

**SEC. 2.8-B. DRIVE-IN RESTAURANT**

A drive-in or open-air restaurant is any establishment where food, frozen dessert and/or beverages are sold to the customer in a ready-to-consume state where either or both of the following apply:

(1) The customer consumes said food, frozen dessert, and/or beverages in an automobile parked upon the premises or at other facilities which are provided for use of the customer for the purpose of consumption and which are located outside the building, or

(2) Where the lot area exceeds five (5) times the area of the building existing or proposed to be erected on said lot. (Ord. 490-F and Ord. 661-F; effective March 8, 1962.)

**SEC. 2.9. DWELLING**

Any building, or part thereof, occupied, in whole or in part, as the home, residence, or sleeping place of one or more persons, either continuously, permanently, temporarily or transiently.

**ONE-FAMILY DWELLING**

A dwelling occupied by not more than one family.

**TWO-FAMILY DWELLING**

A dwelling occupied by not more than two families.

**MULTIPLE DWELLING**

A dwelling occupied by three or more families, or as a rooming house, lodging house or hotel.

**EFFICIENCY UNIT**

A dwelling unit containing not more than one habitable room in addition to sanitary facilities.

**MOTEL**

A dwelling unit wherein each unit has a separate individual entrance leading directly from the outside of the building and is designed, used or intended wholly or in part for the accommodation of transients. (Ord. 886-E; effective August 18, 1954.)

**SEC. 2.10. ERECTED**

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

**SEC. 2.11. ESSENTIAL SERVICES**

The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, 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 or municipal departments or commissions or for the public health or safety or general welfare.

**SEC. 2.12. ESTABLISHED GRADE**

The elevation of the sidewalk grade as fixed by the City.

**SEC. 2.13. FAMILY**

One person, or a group of two or more persons living together and inter-related by bonds of consanguinity, marriage, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common and a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants.

**SEC. 2.14. FIRST FLOOR**

The floor of a building approximately at or first above the mean level of the ground at the front of the building.

**SEC. 2.14A. FOSTER HOMES**

A dwelling in which no more than four (4) children under nineteen (19) years of age temporarily reside with an unrelated adult for the purpose of care, supervision, or training, provided that such home is licensed as a foster home by the State of Michigan. (Ord. 750-F; effective December 13, 1962.)

**SEC. 2.15. GARAGE—PRIVATE**

A building, or part thereof, not over one story or fifteen (15) feet in height for storage of self-propelled private passenger vehicles or private passenger or house trailers, wherein no servicing for profit is conducted.

**SEC. 2.16. GARAGE—COMMUNITY**

A building, or part thereof, used for the storage of self-propelled private passenger vehicles or private passenger or house trailers for the use of residents in the vicinity and providing only incidental service to such vehicles as are stored therein.

**SEC. 2.17. GARAGE—COMMERCIAL**

A garage other than a private or community garage.

**SEC. 2.18.**

**(a) HOTEL**

A building, or part thereof, occupied as the more or less temporary abiding place of individuals in which the rooms are usually occupied singly for hire and in which rooms no provision for cooking is made, and in which building there is a general kitchen and public dining room for the accommodation of the occupants.

**(b) JUNK YARD**

Place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old iron or other metal, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment and excluding pawn shops, and establishments for the sale, purchase or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators, or similar household goods, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

**SEC. 2.19. LODGING HOUSE**

A building, or part thereof, other than a hotel, where lodgings are provided for hire more or less transiently, without provisions for meals.

**SEC. 2.20. LOT**

A piece or parcel of land occupied or to be occupied by a building, structure or use, or by an accessory building, structure or use, including the yards required by this Ordinance.

**Corner Lot**

A corner lot is a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.

**SEC. 2.21. LOT LINES**

The boundary lines of a lot are:

**Front Lot Line—**

The line dividing a lot from a street. On a corner lot only one street line shall be considered as a front lot line and the shorter street line shall be considered the front lot line; Provided, that for a lot comprised of more than one complete parcel of land, as subdivided on a plat officially approved and recorded, the front lot line shall be the same as indicated on the plat for the individual parcels which comprise the lot. In unusual circumstances the Commission may designate which shall be the front lot line where undue hardship would be suffered or no good purpose would be served by compliance with this requirement.

**Rear Lot Line—**

The lot line opposite the front lot line.

**Side Lot Line—**

Any lot lines other than front lot line or rear lot line. (Ord. 787-E; effective September 24, 1953.)

**SEC. 2.22. NON-CONFORMING STRUCTURE**

A structure conflicting with the provisions of this Ordinance applicable to the district in which it is situated.

**SEC. 2.23. NON-CONFORMING USE**

The use of a structure or premises conflicting with the provisions of this Ordinance.

**SEC. 2.24. OCCUPANCY, CHANGE OF**

The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefor of a use of a different kind or class.

**SEC. 2.25. OCCUPIED**

The word "occupied" includes arranged, designed, built, altered, converted to, rented, or leased, or intended to be occupied.

**SEC. 2.26. PERSON**

The word "person" includes association, firm, co-partnership or corporation.

**SEC. 2.26-A. PUBLIC CENTER**

Areas used or to be used for governmental, recreational, and cultural purposes of particular or special civic importance. (Ord. 576-F; effective June 22, 1961.)

**SEC. 2.27. PUBLIC UTILITY**

Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under municipal regulation to the public, electricity, gas, steam, telephone, telegraph, transportation or water.

**SEC. 2.28. ROOMING HOUSE**

A building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished, usually on a weekly or monthly basis.

**SEC. 2.28-A. SHOESHINE PARLOR**

A building or part thereof used solely or primarily for shoe polishing or dyeing or if incidental to some other use, where facilities are provided for serving more than two (2) customers simultaneously. (Ord. 673-F; effective March 1, 1962.)

**SEC. 2.28-B. SIGN**

A sign is a name, identification, description, display, or illustration which is affixed to, applied to, or represented directly or indirectly upon a building, structure, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. However, a "sign" shall not include any display of official court or public agency notices, nor shall it include the flag, emblem, or insignia of a nation, governmental unit, school, or religious group. (Ord. 746-F; effective December 5, 1962.)

**SEC. 2.29. STORY**

That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the distance from the average established grade to the ceiling of a story partially below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

**SEC. 2.30. STORY—HALF**

A story which is situated within a sloping roof, the area of which at a height four feet above the floor does not exceed two-thirds of the floor area directly below it, wherein living quarters are used only as a part of a dwelling situated in the story below.

**SEC. 2.31. STREET**

A public thoroughfare which affords a principal means of access to abutting property.

**SEC. 2.32. STRUCTURE**

A structure is any production or piece of work artificially built up or composed of parts joined together in some definite manner; any construction.

**SEC. 2.32-A. THEATER**

An enclosed building used principally for presenting performances or motion pictures which are observed by patrons from seats provided therein. (Ord. 925-E; effective November 19, 1954.)

**SEC. 2.33. USE**

The purpose for which land or building thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied or maintained.

**SEC. 2.34. USED**

The word "used" includes arranged, designed, or intended to be used.

**SEC. 2.35. YARD**

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted in Section 4.6, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

**Yard—Front**

A yard extending across the full width of the lot between the front lot line and the nearest line of the main building.

**Yard—Rear**

A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

**Yard—Side**

A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of accessory building attached thereto.

**SEC. 2.36. CHRISTMAS TREE**

Trees, primarily of the coniferous family without roots and/or artificial trees, intended primarily for temporary use as holiday decoration only. (Ord. 371-F; effective April 9, 1959.)

**SECTION 3. GENERAL PROVISIONS**

**SEC. 3.1. CONFLICTING REGULATIONS**

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern.

**SEC. 3.2. SCOPE**

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no building, structure, or land, or part thereof, shall be used except in conformity with the provisions of this Ordinance.

**SEC. 3.3. NON-CONFORMING BUILDINGS AND USES**

The following regulations shall apply to all non-conforming buildings and structures or parts thereof, and uses existing at the effective date of this Ordinance.

(a) Any such non-conforming building or structure may be continued and maintained provided there is no physical change other than necessary maintenance and repair in such building or structure except as permitted in Section 3.5, 3.6 and 3.7.

(b) Any such non-conforming use may be maintained and continued, provided there is no increase or enlargement of the area, space or volume occupied by or devoted to such non-conforming use.

(c) Any part of a building, structure or land occupied by such a non-conforming use which is changed to or replaced by a use conforming to the provisions of this Ordinance shall not thereafter be used or occupied by a non-conforming use.

(d) Any part of a building, structure or land occupied by such a non-conforming use, which use is abandoned, shall not again be used or occupied for a non-conforming use. Any part of a building, structure or land occupied by such a non-conforming use, which use is discontinued for a period of two years or more, shall not again be used or occupied for a non-conforming use. A change of tenancy, ownership, management, occupancy or use pursuant to paragraph E, F or G of this Section shall not constitute abandonment.

(e) There may be a change of tenancy, ownership or management of an existing non-conforming use provided there is no change in the nature or character of such non-conforming use.

(f) There may be a change in occupancy or use of an existing non-conforming structure or part thereof occupied at the effective date of the Zoning Ordinance as a retail store for direct sale or merchandise, for personal service to the consumer, or as a business office, to a new or different use as specified in this paragraph. Such new use shall be limited to a retail store for direct sale to the consumer of new merchandise such as food and food products, dry-goods, articles of clothing, drugs and sundries, stationery, notions, gifts, hardware, flowers, ice cream, beverages, refreshments, and similar goods, materials and things not involving any greater noise, odor, smoke, dust or unsightliness than the specific retail store uses