

Article 14: Definitions

14.1 Rules of Construction

14.2 Terms

14.1 RULES OF CONSTRUCTION

For the purpose of this ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary:

- a. The particular shall control the general.
- b. Words used in the present tense include the future tense.
- c. Words used in the singular number include the plural; and words used in the plural number include the singular.
- d. The word "herein" means contained in this ordinance.
- e. The word "regulation" means the regulations of this ordinance.
- f. The words "this ordinance" shall mean the ordinance illustrations, text, tables, maps, and schedules included herein, as enacted or subsequently amended.
- g. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- h. The term "shall" is always mandatory.
- i. Lists of examples prefaced by "including," "such as," or other similar prefates shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar examples which are not expressly mentioned.
- j. The term "building," "structure," "premises," or any similar term shall be interpreted to include any part of the building, structure, premises, or other similar term, unless otherwise stated.
- k. The "City Council," "Zoning Board of Appeals," and "Planning Commission" are respectively the city council, zoning board of appeals, and planning commission of the City of Petoskey.
- l. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- m. The word "person" includes an individual, a corporation, a limited liability company, a partnership, an incorporated association, or any other similar entity.

n. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

- i. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
- ii. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- iii. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

14.2 TERMS

Whenever used in this Zoning Ordinance, the following words and phrases shall have the meaning ascribed to them in this Article.

14.2.1 "A" Terms

ABANDONMENT: To cease or discontinue a use, activity, or structure without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement, excluding the intersection of property lines.

ACCESS MANAGEMENT: A method of planning, design, and implementation of land use and multi-modal transportation strategies that maintain a safe flow of traffic while accommodating the access needs of adjacent developments. This includes the systematic control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections.

ACCESSORY BUILDING: A building that is subordinate in size and character to a principal building situated on the same lot or parcel. The accessory building may contain a garage, carport, storage area, or accessory dwelling unit. When an accessory building is attached to the main building with a wall or roof (not including open roofs such as a pergola), the accessory building shall be considered a part of the main building for setback purposes.

ACCESSORY DWELLING UNIT (ADU): A residential dwelling unit, but not a mobile home, located on the same lot as a single dwelling unit, either within the same building as the single dwelling unit or in a detached accessory building.

ACCESSORY USE OR ACCESSORY: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes:

- a. Residential accommodations for caretakers.

- b. Swimming pools for the use of the occupants of a residence or their guests.
- c. Domestic storage in a barn, shed, carriage house, or similar accessory building/structure.
- d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building, and has no exterior signs or displays.
- e. Storage of merchandise normally stocked in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- f. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- g. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- h. Uses clearly incidental to a main use, such as offices of an industrial or commercial complex that are located on the site of the commercial or industrial complex.
- i. Accessory off-street loading subject to the off-street loading regulations for the district in which the zoning lot is located.
- j. Accessory sign subject to the sign regulations for the district in which the zoning lot is located.

ACCESS-WAY: A public or private street, service drive, alley, driveway, or other means of approach or departure from a property. The access-way provides ingress or egress to a property, parcel, or site via a curb cut at an existing or proposed public street outside the property limits of the site development.

ADJACENT: The condition of where two (2) or more parcels share common property lines or where two (2) parcels are separated only by an alley, easement or street.

ADMINISTRATION FACILITY: An administrative building is a facility primarily used for management, coordination, and support functions of an organization, whether government, corporate, educational, or institutional.

ADULT DAY CARE FACILITY: A facility, other than a private residence, receiving at least three (3) but not more than twelve (12) adults to be provided with care for periods of less than 24 hours a day.

ADULT DAY CARE HOME: A private residence receiving not more than six (6) adults to be provided with care for periods of less than 24 hours a day.

ADULT FOSTER CARE CONGREGATE FACILITY: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT FOSTER CARE FACILITY: A home or facility that provides foster care to adults. Subject to the limitations of the Adult Foster Care Facility Licensing Act, Michigan Public Act 218 of 1979, as amended.

ADULT FOSTER CARE FAMILY HOME: A private residence with the approved capacity to receive at least three (3) but not more than six (6) adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

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.

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided with foster care.

AFFORDABLE HOUSING: Housing that meets the current United States Department of Housing and Urban Development (HUD) criteria.

AIR AMBULANCE LANDING: An approved landing area in order to pick up, transfer, or deliver patients, medical personnel, or emergency medical supplies.

ALCOHOL-RELATED BUSINESS: An alcohol-related business is any establishment or commercial enterprise whose primary activities involve the manufacture, distribution, sale, service, or storage of alcoholic beverages, or whose operations depend significantly on alcohol-related activities.

ALLEY: Any dedicated public vehicular or pedestrian way affording a secondary means of access between or behind buildings, that affords a secondary means of access to abutting property, and not intended for general traffic circulation.

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

ALTERNATIVE ENERGY SOURCE: An alternative energy source is any form of energy production that serves as a substitute for conventional fossil fuels, such as coal, oil, and natural gas, and is typically derived from renewable, sustainable, or low-environmental-impact resources.

ANIMAL CLINIC/HOSPITAL: An animal clinic or animal hospital is a facility where licensed veterinarians and trained staff provide medical, surgical, preventive, and emergency care to animals, including companion animals, livestock, and sometimes wildlife.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals, or other communications signals.

APARTMENT: A room or suite of rooms in a multiple family building, in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.

ARCHITECTURAL DETAIL: The exterior portion of a building constituting any subsidiary element of the larger whole, such as projection, relief, cornice, light fixture, window or door opening, or change of building material; but exclusive of signs.

ARCHITECTURAL PROJECTION: Any component, member, or part which protrudes from the exterior of a building, such as eaves, overhangs, cornices, bay windows having no floor space, fireplace footprint, or platforms.

ARTICULATION: The provision of emphasis to architectural elements that create a complementary horizontal or vertical pattern or rhythm, by a measured and proportioned inflexion, which divides buildings into smaller identifiable segments.

ASSEMBLY AREA: A facility with large spaces, designed to accommodate gatherings, events, or open exhibition halls.

ASSISTED LIVING FACILITY: A special combination of housing, supportive services, personalized assistance, and health care designed to provide for the individual needs of residents who need help with activities of daily living.

ATTACHED WIRELESS TELECOMMUNICATION FACILITY: Any wireless telecommunication facility affixed to an existing structure, such as a building, tower, water tank, utility pole, etc., utilized to receive and transmit federally or state licensed telecommunications services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

ATHLETIC FACILITIES: Athletic facilities are buildings, structures, or outdoor areas designed, constructed, or equipped for sports, physical exercise, recreation, training, or competitive athletic activities.

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

AUTOMATED TELLER MACHINE (ATM): A machine used by bank and financial service patrons for conducting transactions, including deposits, withdrawals, and fund transfers without contact with financial institution personnel.

AUTOMOBILE: See VEHICLE

AVERAGE GRADE: The average between the highest and lowest elevation of the natural finished grade abutting the street walls of a structure.

AWNING OR CANOPY: Any covering made of cloth, metal, or other material with supporting frames attached to a building which projects beyond the building wall and/or is carried by a frame supported by the building, ground, or sidewalk below it.

14.2.2 "B" Terms

BAKERY: A commercial establishment where bread, pastries, cakes, and other baked goods are prepared, baked, and often sold directly to consumers. Bakeries may produce items on-site for retail sale, wholesale distribution, or both.

BAR/TAVERN: A commercial establishment primarily engaged in the on-premises sale and consumption of alcoholic beverages, such as beer, wine, and spirits. These establishments may offer limited food service, but alcohol sales are the principal activity.

231
232 BASEMENT: That portion of a building which is partly or wholly below grade but so constructed that no more
233 than 25 percent is above the average grade.

234
235 BED & BREAKFAST: An owner-occupied single-family residence licensed to provide overnight sleeping
236 accommodations and dining to paying guests in accordance with regulations governing such activities.

237
238 BEDROOM: A room designed or used in whole or part for sleeping purposes.

239
240 BERM: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce
241 noise, or fulfill other such purposes.

242
243 BLOCK FACE: That portion of a block or tract of land facing the same side of a single street and lying
244 between the closest intersecting streets.

245
246 BOARDING HOUSE or ROOMING HOUSE: A dwelling unit with a single kitchen facility where lodging is
247 provided and meals may be provided to occupants for compensation either directly or indirectly for no less
248 than a 30-day period.

249
250 BRANDY MANUFACTURER: A wine maker or a small wine maker licensed under this act to manufacture
251 brandy. A wine maker or small wine maker authorized to manufacture brandy shall not manufacture any
252 other spirits. The Michigan Liquor Control Commission may approve a brandy manufacturer to sell brandy
253 that it manufactures at retail in accordance with Michigan Liquor Control Code, Administrative Rules, and
254 Related Laws .

255
256 BREWER: A state-licensed facility or facilities that manufactures beer and is owned or controlled by a state-
257 licensed Brewer, as defined and regulated by the Michigan Liquor Control Commission.

258
259 BREWPUB: A licensed establishment with a license issued in conjunction with a class C, tavern, class A
260 hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or
261 class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year and sell at its
262 licensed premises the beer produced for consumption on or off the licensed brewery premises in the
263 manner provided for in the Michigan Liquor Control Code, Administrative Rules, and Related Laws.

264
265 BUFFER: A strip of land with a definite width and location reserved for native vegetation to serve as an
266 obscuring screen in carrying out the requirements of this Ordinance.

267
268 BUILDABLE AREA: The area of a lot that is defined by the minimum setback requirements within which
269 building construction is permitted by the terms of this Ordinance. Refer to graphic 3.2. Graphic 1.

270
271 BUILDING: Any structure, either temporary or permanent, having a roof supported by columns or walls and
272 intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or
273 materials of any kind.

274
275 BUILDING, ACCESSORY: See ACCESSORY BUILDING, or STRUCTURE

276
277 BUILDING CODE: The currently adopted code or codes regulating building construction in Emmet County,
278 Michigan.

BUILDING ENVELOPE: The three-dimensional space within which a structure is permitted to be built on a lot that is defined by maximum height regulations and minimum yard setbacks or build-to-lines.

BUILDING FOOTPRINT: The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building (exclusive of terraces, patios, decks, steps, awnings, or nonpermanent canopies).

BUILDING HEIGHT: The vertical distance measured from the average grade to the highest point of the roof (parapet) for flat roofs; to the deck line of mansard roofs; or to the average height between the highest eaves and ridge for gable, hip, and gambrel roofs

BUILDING HEIGHT, STORIES: The vertical distance measured as the number of individual floors in a building that can be occupied. Stories do not include basements, permitted rooftop patios, or uninhabited architectural features such as cupolas, steeples, etc.

BUILDING INSPECTOR: The Emmet County official(s) designated by the Emmet County Board of Commissioners to administer and enforce the various Building Codes.

BUILDING LINE: A line formed by each face of the building.

BUILDING OFFICIAL: The County authorities having jurisdiction to administer the Building Code on a day-to-day basis. Duties include but are not limited to inspecting and reviewing new construction, installations, and alterations of private and public buildings to ensure that all applicable codes, laws, and regulations have been met; reviewing proposed construction plans and documents; issuing notices of code violations requiring corrective action; and testifying at hearings or court cases related to violations of codes, laws, or regulations.

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

BUILDING, PRINCIPAL (MAIN): A building or, where the context so indicates, a group of buildings that are permanently affixed to the land and that are built, used, designed, or intended for the shelter or enclosure of the principal use of the lot.

BUILDING, TEMPORARY: A building that is not of permanent construction that is not affixed to the property and is permitted to exist for a specific reason for a specific time.

BUILD-TO-LINE: A line parallel to the front property line along which a building or porch shall be built to create an even building facade line on a street.

BULK: The size and mutual relationships of a building or structure with respect to: size and height of the building; location of exterior walls at all levels in relation to lot lines, streets, or other buildings; and gross floor area of the building in relation to the lot area.

BUSINESS SERVICES: An establishment providing services to business establishments on a fee or contract basis.

14.2.3 “C” Terms

CAFÉ: See RESTAURANT

CARPORT: See ACCESSORY BUILDING.

CELLAR: See BASEMENT

CEMETERY: A place used for interment of human, animal, or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof (does not include a crematory).

CHANGE OF OCCUPANCY: A discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

CHILDCARE FACILITY: A facility, other than a private residence, receiving one (1) or more children under thirteen (13) years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include those uses excluded under “Child Care Center” in the Child Care Organization Act (1973 PA 116, MCL 722.111(1)(h)).

CHURCH: See RELIGIOUS INSTITUTION

CITY: For the purpose of this ordinance, the City of Petoskey, Emmet County, Michigan.

CITY COUNCIL: For the purpose of this ordinance, the City Council of the City of Petoskey, Emmet County, Michigan.

CITY PLANNER: The City Planner is the person or firm designated by the City Council and Planning Commission to advise the City Council, Planning Commission, Zoning Board of Appeals, and City staff on planning, zoning, land use, housing, and other related planning and development issues. The City Planner may be a consultant or an employee of the City.

CLASSROOM/LECTURE HALL: A room or instructional space designed and equipped for organized teaching, learning, and academic activities, typically involving a teacher or presenter delivering information to students or participants.

CLINIC, MEDICAL or DENTAL: A health care facility providing medical or dental office visits, consultations, diagnostic tests, urgent care, treatments, ambulatory surgery, or other medical activities not requiring an overnight stay by patients.

CLUB, LODGE, or FRATERNAL ORGANIZATION: A group of persons organized for the purposes of participating in and/or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution

of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this Ordinance.

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

CO-LIVING: A shared living space and amenities. It involves private bedrooms combined with shared common areas, such as kitchens, lounges, or workspaces.

COLLOCATE: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Collocate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

COMMERCIAL ENTERTAINMENT, OUTDOORS: Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

COMMERCIAL PARKING FACILITY: A parking area or parking structure available to the public, with or without fee, used to temporarily store motor vehicles.

COMMERCIAL STORAGE FACILITY: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented individually for varying periods of time.

COMMERCIAL USE: The use of property for retail sales or similar businesses where goods or services are provided directly to the consumer. As used in these regulations, "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

COMMERCIAL VEHICLE: Any vehicle for hire which is used for the transportation of passengers, goods, wares, merchandise, or vehicle transport.

COMMISSION: The Planning Commission of the City of Petoskey, Michigan.

COMMUNITY CENTER: A place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMPREHENSIVE PLAN: See MASTER PLAN

CONDOMINIUM: A system of separate ownership of individual units in multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners.

CONSERVATION EASEMENT: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition, retaining such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.

CONTRACTOR ESTABLISHMENTS: A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly, or staging areas.

CONTRACTOR STORAGE YARD: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

CONVALESCENT/NURSING HOME: A structure with sleeping rooms, where persons are housed and are furnished with meals, nursing and medical care.

CONVENIENCE STORE: Any retail establishment offering for sale such items as prepackaged food products, household items, newspapers, magazines, and prepared foods for off-site consumption.

CORNER CLEARANCE: The minimum distance between a street intersection and the nearest driveway or access point, designed to ensure safe traffic flow and prevent accidents. It also refers to the "clear vision triangle," a designated area at intersections where structures, fences, and landscaping are limited in height to maintain driver visibility.

CORNER-FRONT YARD: The secondary street-fronting yard of a corner lot not included in the property address.

COTTAGE COURT: A group of small (1 to 1.5-story) detached structures arranged around a shared court visible from the street.

COURT: An open, uncovered, unoccupied space, partially or wholly surrounded on at least two (2) sides by building walls. A court having at least one (1) side open to a street, alley, yard, or other permanent open space is an outer court. Any other court is an inner court.

CULTURAL CENTER: A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially operated theatres.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

14.2.4 "D" Terms

DECK: An accessory structure or platform supported by pillars or posts, either attached or unattached to a building, that is higher than seven inches above grade at any portion of the structure or platform and does not contain walls or a roof.

DENSITY, DWELLINGS The number of dwelling units allowed per acre of land.

a. Gross Density: The number of units per acre of total land area.

b. Net Density: The number of units per acre of land devoted to residential use only.

DEVELOPMENT: The construction of a new building, the reconstruction of an existing building, the improvement of a structure on a lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

DISTILLER: A person licensed to manufacture and sell spirits or alcohol, or both, of any kind, as defined and regulated by the Michigan Liquor Control Commission.

DISTRIBUTION CENTER: A use that typically involves both warehouse and office/administration functions, where short and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

DISTRICT: A section, zone, or geographic area of the city regulated by particular or specific zoning or development provisions.

DORMITORY: A residential building or portion of a building that provides group living accommodations typically featuring individual or shared sleeping rooms, along with common facilities such as bathrooms, lounges, and study areas. Dormitories are generally operated by an institution, such as a school, college, university, or employer, and are not designed as independent dwelling units.

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

DRIVE-THRU: A principal use or accessory use that permits customers to receive services or obtain goods while remaining in their vehicles.

DRIVEWAY: A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area.

DRY CLEANING: A commercial establishment that cleans clothing, textiles, and fabrics using chemical solvents instead of water.

DUPLEX: A residential building designed to contain two separate dwelling units, each with its own independent entrance, living areas, kitchen, bathrooms, and sleeping spaces. The two units may be arranged side-by-side (horizontally) or stacked one above the other (vertically) within a single structure.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof which consists of five or more dwelling units and which is designed for occupancy by three or more families living independently of each other.

DWELLING, QUADPLEX: A building designed as a single structure, containing four (4) separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING, SINGLE: A building consisting of only one dwelling unit occupied exclusively by one family.

DWELLING, TRIPLEX: A building designed as a single structure, containing three separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING UNIT: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by an individual or one (1) family for living, bathing, cooking, and sleeping purposes.

14.2.5 "E" Terms

EASEMENT: An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

EATERY: See RESTAURANT

EDUCATIONAL FACILITY: See SCHOOLS

ELECTRIC VEHICLE CHARGING STATION: An electric component assembly or cluster of component assemblies designed specifically to charge batteries within an electric vehicle by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

ENERGY FACILITY: Buildings, structures, systems, or locations used for the generation, conversion, storage, transmission, or distribution of energy, including electricity, fuel, and heat. These facilities support energy production and delivery from both conventional and alternative/renewable sources.

ENGINEER, CITY: The person or firm authorized by the City to advise the City Manager, City Council, and Planning Commission on drainage, grading, paving, stormwater management and control, utilities, and other related site engineering and civil engineering issues. The City Engineer may be a consultant or an employee of the City.

ENFORCEMENT OFFICIAL: A person or persons with the responsibility for enforcing and administering the requirements of applicable sections of these Zoning Regulations. The Enforcement Official may be referred to as the Zoning Administrator, Building Official, or other appropriate party so designated by the City Council. Such titles do not refer to a specific individual, but generally to the office, department, or City official(s) most commonly associated with the administration of the regulation being referenced.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

EQUIPMENT RENTAL ESTABLISHMENTS: An establishment providing the rental of tools, lawn and garden equipment, construction equipment, party supplies and similar goods and equipment, including storage and incidental maintenance.

ESSENTIAL SERVICES: Services rendered, for the public's general health, safety, and welfare, by public utilities or municipalities. Services include gas, electrical, steam, fuel, or water transmission; or distribution, collection, communication, supply or disposal systems.

EXCAVATION: Any breaking of ground (except common household gardening, ground care, or landscaping).

EXCEPTION: Permission to depart from the use or design standards of this zoning ordinance provided an "exception" is not a "variance."

14.2.6 "F" Terms

FAMILY: One person or two or more persons related by blood, marriage, legal adoption or foster care; or a group not exceeding four unrelated persons living together as a single housekeeping unit using common cooking facilities.

FARMING OPERATION: Includes the land, plants, buildings, structure, including ponds used for agri- or aqua-cultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products, and in accordance with the Michigan Right to Farm Act, Public Act 93, 1981.

FEDERAL BUILDING: Any building, structure, or facility that is owned, leased, or operated by the federal government of the United States and used to house federal agencies, departments, courts, or government functions. These facilities support the administration, operations, or services of the federal government and are typically managed by the U.S. General Services Administration (GSA) or a specific federal agency.

FENCE: A constructed barrier erected to enclose, screen, or separate parcels.

FENCE, DECORATIVE: A fence, no more than three and one-half feet (42 inches) in height measured from the established grade to the top of the highest fence post, no less than 50 percent open, and intended primarily as an ornament or accent on a parcel such as a picket, wrought iron, split rail or similar material. Chain link (with or without vinyl covering), wire mesh, wood stockade, and snow fencing shall not be considered decorative fencing.

FENCE, LIVING: A hedge or row of bushes planted with the purpose of screening a yard.

FENCE, PRIVACY, SCREENING, SECURITY: A fence intended primarily to screen or provide security to property.

FENESTRATION: Openings in the building wall, including windows and doors, allowing light and views between the interior and exterior. Fenestration is measured as the glass area or as the open area for parking structures or other enclosed spaces.

FILL: The deposit or dumping of sand, gravel, or rock, any matter onto or into the ground.

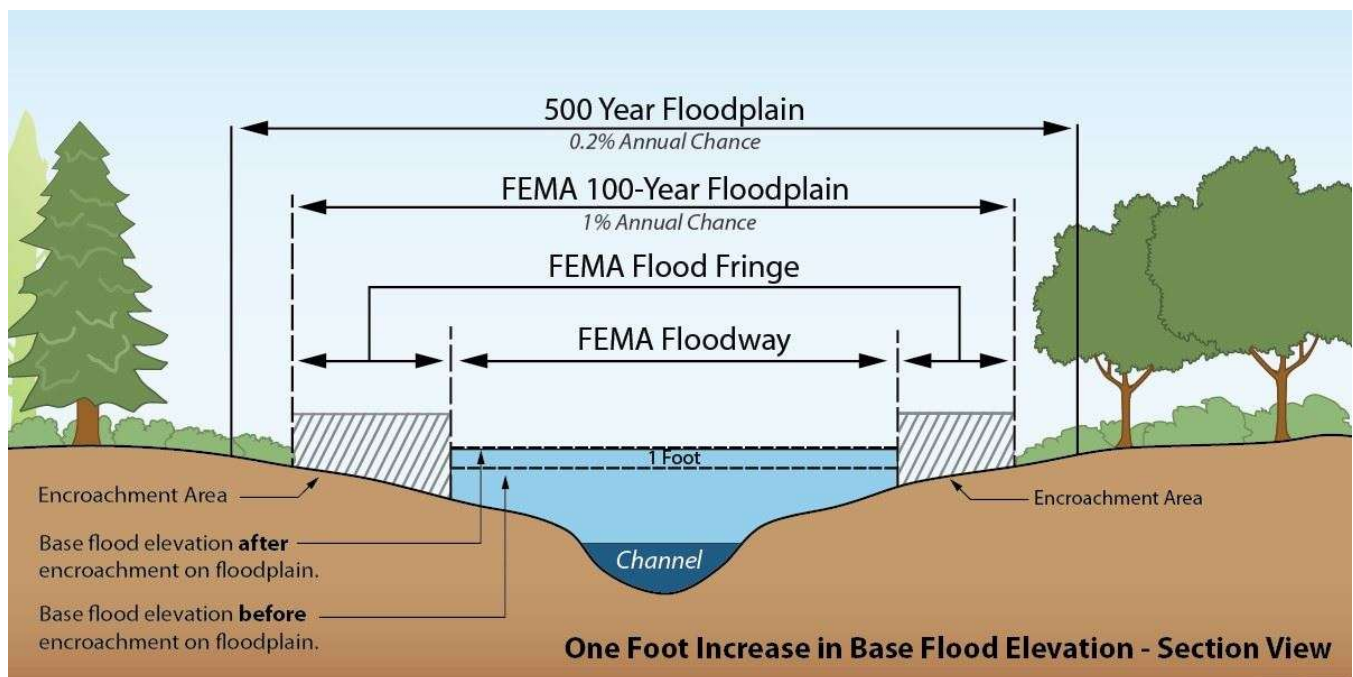
FINANCIAL SERVICES: Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, that is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN: Is deemed to mean that area of land adjoining a natural watercourse within the City that is subject to either periodic flooding as established by the profiles in the most current report of a flood insurance study by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100-year floodplain boundary and therefore have a 1% chance of occurring or being exceeded in any given year). A floodplain shall not necessarily include a drainage district established by the County or City.

FLOODWAY: The channel of a river or stream and area adjacent to the channel that will carry moving water during times of flood. This is a high hazard portion of the floodplain with rapidly moving water during times of flood.

FLOODWAY FRINGE: The area of very slow-moving water or slack water outside of the floodway during times of flood.



FLOOR AREA, GROSS: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the total square footage.

FLOOR AREA, GROUND: The gross area occupied by the first story of a building.

FLOOR AREA, USABLE: The gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings that have the potential to become usable for human habitation measured from the interior face of the exterior walls. Floor area that is used or intended to be used principally for dedicated storage, mechanical equipment rooms, unfinished attics, enclosed porches, light and ventilation shafts, public corridors, public stairwells, utility rooms or restrooms shall be excluded from the computation of useable floor area.

FOOD MARKET: A commercial establishment or venue where food and food-related products are sold directly to consumers, typically offering a variety of fresh, packaged, prepared, or specialty food items. Food

markets may operate indoors or outdoors and can include permanent stores or temporary/seasonal vendor setups.

FOSTER CARE: The provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation provided at a single address. Providing room under a landlord and tenant arrangement does not, by itself, exclude a person from the licensure requirement under the Adult Foster Care Facility Licensing Act, Michigan Public Act 218 of 1979, as amended.

FOSTER FAMILY HOME: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan Adoption Code, chapter X, of the Probate Code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER FAMILY GROUP HOME: A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in a household under the Michigan Adoption Code, chapter X, of the Probate Code of 1939 (1939 PA 288, MCL 710.21 to 710.70) are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

FOSTER CHILD: A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

FRATERNAL ORGANIZATION: See CLUB, LODGE OR FRATERNAL

FRONTAGE: The portion of any property that abuts a private or public street or a waterway. A corner lot and a through lot have frontage on both abutting private or public streets or a waterway and a street.

14.2.7 "G" Terms

GARAGE, PRIVATE: An accessory building designed or used for the storage or parking of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory. Private garages do not have public repair facilities. A private garage may be either attached to or detached from the principal structures but shall be located on the same lot as the principal structure.

GASOLINE STATION/CONVENIENCE STORE: Any place where motor vehicle fuel is sold and dispensed as either a principal or incidental activity with the sale of convenience goods, food, and beverages.

GRADE: See Section 5.2.

GREENBELT: A landscape area of definite width, height, and location, containing plant materials of definite spacing, designed to serve as an obscuring device in carrying out the screening requirements of this zoning ordinance.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

GROUND OR FIRST FLOOR: The first floor or ground level of any building or structure is the floor at or above the surface of the sidewalk.

GROUP CHILD CARE HOME: A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

14.2.8 "H" Terms

HAZARDOUS MATERIALS AND CHEMICALS: All highly flammable materials or products that may react to cause a fire or explosion hazard; or that, because of their toxicity, flammability, or liability for explosion, render firefighting abnormally dangerous or difficult. This also includes flammable liquids or gases that are chemically unstable, and that may spontaneously form explosive compounds or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous materials and chemicals shall include flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials, and poisonous gases that have a degree of hazard rating in the health, flammability or reactivity of three (3) or four (4) as ranked by NFPA 704 and as adopted by the City and/or all items that are regulated as hazardous materials under Act 451 of 1994, as amended (MCLA 324.101 - 324.90106).

HEALTHCARE SERVICES: A clinic, business or institution that offers any type of healthcare to the public which requires as a condition precedent to the rendering of such care the obtaining of a license or other legal authorization. By way of example, without limiting the generality of this definition, healthcare services include services rendered by chiropractors, dentists, osteopaths, physicians, dieticians, surgeons, podiatrists, physical therapists, counselors, and psychiatrists. Healthcare services do not include a hospital.

HEALTH & FITNESS FACILITY: A building or portion of a building designed and equipped for the promotion of physical fitness, exercise, wellness, and health-related activities, typically offering space, equipment, and programs for individual or group use.

HOME BUSINESS: An enterprise or activity conducted by the occupant of the dwelling unit that is secondary and incidental to the primary use of the dwelling as a residence.

HOSPITAL/MEDICAL FACILITY: A facility providing health services primarily for medical or surgical care of the sick or injured. This includes related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the hospital facility.

HOTEL: Any building, structure or part thereof, which is used primarily for paid public lodging on a transient basis in which access to and from each room or unit is through an interior door. For purposes of this definition, the word transient means occupancy for less than 30 consecutive days.

14.2.9 "I" Terms

IMPERVIOUS SURFACE: Any material that prevents the absorption of storm water into the ground.

INDOOR STORAGE FACILITY: A building or portion of a building used for the enclosed storage of goods, materials, equipment, personal belongings, or inventory, where all storage activities occur entirely within a fully enclosed structure. These facilities are designed to protect stored items from weather, theft, and environmental exposure.

INGRESS AND EGRESS: As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway that allows vehicles to enter or leave a parcel or to a sidewalk that allows pedestrians to enter or leave a lot of property, a building, or another location.

INVASIVE PLANTS SPECIES: These are defined as having the following characteristics: allelopathy, aggressive growth that over-competes with more desirable planting, growth characteristics that favor an increased potential for failure, species that generate an excessive amount of debris with low wildlife value, and species that harbor insects and diseases that have economic impacts on other plants or animals.

14.2.10 "J" Terms

JAIL: A secure facility operated by a local government, typically a city, county, or sheriff's department, and used to detain individuals who are awaiting trial, sentencing, or serving short-term sentences, usually less than one year.

JUNK: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured.

JUNK YARD: An area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping, or abandonment of junk.

14.2.11 "K" Terms

KENNEL: Any lot or premises on which three or more dogs, cats, or other household pets are either permanently or temporarily boarded. Any lot or premises where household pets are bred or sold.

14.2.12 "L" Terms

LAND DIVISION: The subdividing of a parcel as defined in the Land Division Act of the State of Michigan, being Act 288 of the Public Acts of 1967, as amended, MCL 560.101 et seq.

LIBRARY: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.[]

LIVE/WORK UNITS: A single unit (e.g. studio, loft, one-bedroom) consisting of both a residential and commercial/office component that is occupied by the same resident as their primary residence.

LIVING QUARTERS: An area in a building designated as an abode distinguished with kitchen facilities that complement sleeping facilities.

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

LODGE: See CLUB, LODGE or FRATERNAL

LODGING ESTABLISHMENT: A building occupied as a more or less temporary lodging place for individuals with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, that are occupied for hire, and typically providing services such as maid service, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen for a period of less than 30 days.

LOT: A parcel of land which is or may be occupied wholly or in part by one principal building or use and its accessories, and having either immediate frontage upon a public street or a permanent, exclusive, non-obstructed deeded access to a public street.

LOT AREA, GROSS: The total area within the lot boundaries.

LOT AREA, NET: The total horizontal area within the lot lines of the lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or river. The net lot area shall be used in determining compliance with minimum lot area standards.

LOT, CONTIGUOUS: Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or man-made barrier shall not be considered contiguous.

LOT, CORNER: A property with frontage on two adjacent streets.

LOT COVERAGE: That portion of a lot that is covered by a building or buildings expressed as a percentage of the total lot area.

LOT DEPTH: The distance between the front and rear lot lines measured along the median between the side lot lines.

LOT, INTERIOR: Any lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein:

- a. Front Lot Line: The line separating a lot from the street right-of-way. For a through lot, the line separating a lot from either street right-of-way. For a corner lot, the line designated on the building plans filed for a zoning compliance permit.
- b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear: The rear lot line shall be an imaginary line parallel to the front lot line; not less than ten feet long lying farthest from the front lot line; and wholly within the lot.

- c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a plat, document or other formal map on file with the County Register of Deeds or in common use by the City or County Officials, and which actually exists as so shown, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the County Register of Deeds. A lot of record may also be identified by a parcel tax identification number.

LOT, THROUGH or DOUBLE FRONTAGE: Any interior lot having frontage on two parallel streets.

LOT WIDTH: The straight-line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot lines.

LOT, ZONING: A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot shall satisfy this ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one or more lots of record.

14.2.13 "M" Terms

MAIN ACCESS DRIVE: Any private street designed to provide access from a public street or road to a manufactured home development, apartment or condominium complex, or other private property development.

MAJOR THOROUGHFARE: See STREET

MANUFACTURED HOME: A single-family residential dwelling constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with a permanent foundation when connected to the required utilities, and including plumbing, heating, air conditioning, and electrical systems.

MANUFACTURED HOME LOT: An area within a mobile home park that is designated for the exclusive use of a specific manufactured home.

MANUFACTURING FACILITY: A building, structure, or group of structures where raw materials or components are transformed into finished products through mechanical, chemical, thermal, or industrial processes. These facilities typically involve fabrication, processing, assembly, packaging, or refining operations and may include areas for storage, distribution, and quality control.

MANUFACTURING, LIGHT: The act of processing, assembling, fabricating, treating and packaging of raw or unfinished materials into a more complete or finished product, and incidental storage sales and distribution of such products, which may be perceived to have a relatively limited to moderate potential for adverse

effect on surrounding properties and the environment, including noise, vibration, pollution, odor, and aesthetics.

MARIHUANA LICENSEE: An entity that holds a license issued under the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, as amended, that allows the licensee to operate as one of the following, specified in the license:

- a. A grower.
- b. A processor.
- c. A secure transporter.
- d. A provisioning center.
- e. A safety compliance facility

MARIHUANA, MEDICAL: The term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL § 333.7106 et seq.; the Michigan Medical Marihuana Act, MCL § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL § 333.27101 et seq.; and the Marihuana Tracking Act, MCL § 333.27901 et seq.

MARIHUANA ESTABLISHMENT: A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana security transporter, or any other type of marihuana-related business licensed by the Marihuana Regulatory Agency. The term does not include or apply to “primary caregiver” or “caregiver” as the term is defined in the Michigan Medical Marihuana Act, M.C.L.A. §333.26421 et seq.

MARINA: A facility, including three or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and/or securing of boats; and that may include eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina.

MASTER PLAN: The comprehensive, long-range master plan intended to guide growth and development in the City of Petoskey, which includes recommendations on future land use, economic development, intergovernmental cooperation, housing, transportation, natural, cultural, and historic resources, and community facilities pursuant to the requirements of the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended.

MEDICAL MARIHUANA FACILITY: An enterprise at a specific location at which a licensee is licensed and a permit holder is permitted to operate under the Medical Marihuana Facilities Licensing Act. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL § 333.26421 et seq.

MEDICAL MARIHUANA PERMIT: A current and valid permit for a medical marijuana facility issued under the city's medical marijuana facilities ordinance, granted in accordance with that ordinance.

MEZZANINE: An intermediate floor or levels between the floor and the ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of such story in which the level or levels are located.

MICRO BREWER: A brewer that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers. In determining the 60,000-barrel threshold, all brands and labels

of a brewer, whether manufactured in this state or outside this state, must be combined and all facilities for the manufacturing of beer that are owned or controlled by the same person must be treated as a single facility.

MILLING FACILITIES: An industrial site where raw materials are mechanically processed, crushed, ground, or refined into smaller, more uniform particles or intermediate products. Milling is typically a size-reduction, separation, or material-conditioning process used in manufacturing, agriculture, mining, and food production.

MIXED SPIRIT DRINK MANUFACTURER: A person licensed under this act to manufacture mixed spirit drink in this state and to sell mixed spirit drink at retail in accordance with section 537 or to a wholesaler, or to a retailer. For purposes of rules promulgated by the Michigan Liquor Control Commission, a mixed spirit drink manufacturer shall be treated as a wine manufacturer but is subject to the rules applicable to spirits for manufacturing and labeling.

MIXED USE DEVELOPMENT: A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district.

MOBILE HOME: A structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with the permanent required utilities, including plumbing, heating, air conditioning, and electrical systems.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home (MCL 125.2302).

MODULAR HOME: See MANUFACTURED HOME

MORTUARY OR FUNERAL HOME: A facility used to handle the deceased and to conduct visitation, burial, memorial, and funeral services.

MOSQUE: See RELIGIOUS INSTITUTION

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.

MOTOR VEHICLE: See AUTOMOBILE

MUNICIPAL BUILDINGS: Facilities owned, leased, or operated by a city, town, or municipal government and used to support public administration, government services, community functions, and civic operations. These buildings house the departments, offices, and services necessary for the functioning of local government.

MUNICIPALITY: The City of Petoskey, Emmet County, Michigan for the purposes of this ordinance.

MUSEUM: A facility or institution dedicated to the collection, preservation, study, interpretation, and public exhibition of objects, artifacts, artworks, specimens, or historical materials of cultural, artistic, scientific, or educational significance. Museums make these materials accessible to the public for education, research, and cultural enrichment.

14.2.14 "N" Terms

NATURAL FEATURES: Soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING LOT: A lot that fails to meet the requirements for area, height, yards, buffer, or other bulk standards and regulations, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action.

NONCONFORMING USE: A use that was lawfully established but that no longer complies with the use regulations applicable to the zoning district in which the property is located.

NONCONFORMING SITE: A lot or development site that was lawfully established but that does not comply with the standards of Article 3, or other applicable site standards of this ordinance.

NONCONFORMING STRUCTURE: A structure that was lawfully erected but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

NONRESIDENTIAL ZONING DISTRICT: A zoning district primarily established for land uses other than dwellings. Nonresidential zoning districts shall include those zoned BN, BD, BC, OS, I, PQP, H and C.

NUISANCE: Whatever annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, obstructs, or renders dangerous any street, highway, or navigable stream; or in any way renders the public insecure in life or property, is hereby declared to be a public nuisance.

NURSERY: A space, building, structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, building, or structure used for the sale of fruits, vegetables, or pre-cut Christmas trees.

NURSING AND CONVALESCENT FACILITIES: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

14.2.15 "O" Terms

OBSCURING WALL: A structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

OCCUPANCY, CHANGE OF: Shall' mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

OCCUPANCY LOAD: The number of persons that a building or room can hold, as determined by the Building Code.

OCCUPIED: Used in any manner. Includes the meaning of intent, design, or arranged for occupancy.

OPEN SPACE: That part of a lot, including courts and/or yards, that is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

ORDINARY HIGH WATER MARK: The line between upland and bottomland, determined by the State of Michigan, which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is distinguished from the upland as evidence in the soil, the configuration of the surface of the soil and vegetation.

OUTDOOR AIR BUSINESS: A permanent business including the sales and/or display of retail merchandise or services outside of a permanent structure.

OUTDOOR DINING: A porch, patio, deck, or other area of land used only for seated dining which is not within the interior building walls of a restaurant or eatery.

OUTDOOR ENTERTAINMENT: Refers to events, activities, performances, or recreational uses that occur outdoors, typically in open-air venues or exterior spaces, and are designed to provide amusement, recreation, cultural experiences, or live entertainment to an audience or participants.

OUTDOOR STORAGE: The keeping of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours in an unroofed area.

14.2.16 "P" Terms

PARAPET: That portion of a building wall that extends above the roof line.

PARCEL: A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Control Act (PA 288 of 1967, as amended) or the Condominium Act (PA 59 of 1978, as amended) and has frontage on a public street.

PARK, PRIVATE: A parcel of land or outdoor recreational area that is owned, managed, and maintained by a private individual, organization, homeowners' association (HOA), institution, or business, and is not open for general public use. Access to a private park is typically restricted to members, residents, invited guests, or authorized users.

PARK/RECREATION FACILITIES: A tract of land maintained and used by the public for active and/or passive recreation and which is owned and controlled by a public entity or unit of government.

PARKING LOT, OFF-STREET: An area within a lot that provides vehicular parking spaces along with adequate drives and aisles for maneuvering to provide safe and convenient access for entrance and exit and for parking.

PARKING SPACE: An area of defined length and width that shall be accessible for the parking of a vehicle.

PATIO: A level, landscaped, and/or surfaced area, directly adjacent to a building, at or within seven inches of the finished grade not covered by a permanent roof or containing walls.

PERGOLA: An open trellis-like overhead frame which may be free-standing or attached to a building with no walls, railing, or permanent roof.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that specific improvements, facilities, construction, or activities required or authorized by this Ordinance will be completed in compliance with the Ordinance, regulations, and/or approved plans and specifications of the development.

PERMITTED USE: A use that may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district and this Ordinance.

PERSON: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PERSONAL SERVICES: Enterprises serving individual necessities, such as barber shops, beauty salons and spas, clothing rental, self-service laundromats, dry cleaning drop-off/pick-up establishments, marriage bureaus, massage services by masseurs/masseuses, personal laundry and dry-cleaning establishments, pressing, dyeing, tailoring, shoe repair, photographic studios, tattoo parlors, and travel agencies.

PET: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship, but not for production or consumption.

PHARMACY: A commercial or institutional establishment where prescription medications are dispensed, pharmaceutical services are provided, and over-the-counter health products are sold, under the supervision of a licensed pharmacist.

PLANNED DEVELOPMENT (PD): A specific lot of land or several contiguous lots of land, for which a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas, density patterns, a fixed network of streets (where necessary), provisions for public utilities, drainage and other essential services and has been approved by the City Council.

PLANNING COMMISSION: For the purpose of this ordinance, the Planning Commission of the City of Petoskey, Emmet County, Michigan as designated in the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008.

PLANT NURSERY: A commercial or agricultural facility where plants, trees, shrubs, flowers, and other vegetation are grown, cultivated, displayed, and sold primarily in outdoor areas. These operations involve the propagation, care, and retail or wholesale sale of live plant materials, with most activities occurring outside of enclosed buildings.

PLOT PLAN: A plan that is prepared according to requirements stated in this Ordinance, containing the required information for a plot plan. A plot plan is less detailed than a formal site plan. A plot plan is generally

used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not substitute for a formal site plan.

POND, DETENTION: A pond designed to temporarily detain storm water runoff for a short period of time, gradually releasing it to the natural watercourse immediately after the peak volume of storm water has dissipated.

POND, RETENTION: A pond designed and intended to hold water for a considerable length of time for aesthetic or consumptive purposes, as well as for the collection and holding of storm water runoff, the volume of which may never be totally discharged to a natural watercourse.

PORCHE, ENCLOSED: A roof covered patio or deck enclosed by walls or windows, excluding winter coverings.

PORCHE, OPEN: A roof covered patio or deck with open sides, which may include railings.

PRINCIPAL BUILDING: A building in which the principal use of the lot is located.

PRINCIPAL USE: The main use to which the premises is devoted and the predominant purpose for which the premises exists.

PRIVATE CLUBS and LODGES: Membership-based organizations that provide social, recreational, cultural, or fraternal activities for its members and invited guests within a privately operated facility. These establishments restrict access to individuals who hold membership or who are specifically invited, rather than being open to the general public.

PRIVACY SCREEN: See FENCE, PRIVACY, SCREENING, SECURITY

PRIVATE STREET OR ROAD: See STREET

PROFESSIONAL OFFICE: A business use that offers any individual service to the public.

PROPERTY LINE: A legally defined boundary separating a piece of property from the street right-of-way and adjacent properties. See also LOT LINE.

PUBLIC AND QUASI-PUBLIC USES: Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools, buildings, structures, and other places where the public is directly or indirectly invited to visit or permitted to congregate.

PUBLIC ASSEMBLY: Use of land, buildings, or structures for exhibits, special events, or meetings.

PUBLIC SAFETY OFFICIAL: A person who performs police, firefighting, and other public safety functions for the City.

PUBLIC SERVICES: A basic service usually furnished by local government or public utility, which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

- a. Critical: Such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.
- b. Essential: The erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.
- c. Supporting: Such as, but not limited to, city hall, library, civic center, park, public recreational facility, community center, official government offices, authority office, post office, special events approved by the City, etc., and associated facilities.

PUBLIC UTILITY: A person, firm, corporation, municipal department, board, or commission duly authorized to provide under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, transportation, or water.

14.2.17 "Q" Terms

QUADPLEX: See DWELLING, QUADPLEX

QUASI-PUBLIC: See PUBLIC AND QUASI-PUBLIC USES

14.2.18 "R" Terms

RADIO and TELEVISION FACILITIES: Buildings, structures, and associated equipment used for the production, recording, editing, transmission, broadcast, or distribution of radio or television programming operated by commercial, public, educational, or private broadcasters.

RECREATIONAL FACILITY (PUBLIC or PRIVATE): A building, area, or structure designed for leisure, physical activity, and social engagement, for public and private recreational purposes.

RECREATIONAL UNIT: Temporary living quarters for recreational camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle which is self-powered. Recreational unit shall include tent, travel trailer, camping trailers, motor home, truck camper, slide-in-camper, and chassis-mount camper, watercrafts, snowmobiles, special terrain vehicles, off-road vehicles, and utility trailers.

RECREATIONAL VEHICLE (RV): A new or used vehicle that has its own motive power or is towed by a motor vehicle; is primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use; complies with all applicable federal vehicle regulations; and does not require a special highway movement permit to be operated or towed on a street or highway. The term includes, but is not limited to, a motor home, travel trailer, park model trailer that does not require a special highway movement permit, or pickup camper.

RECYCLING COLLECTION STATION: An accessory use, structure, or enclosed area that serves as a neighborhood drop-off point for temporary storage of recyclable materials.

RECYCLING FACILITY: A facility that accepts reusable 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, such as paper mills, aluminum smelters, or plastic remanufacturing plants. The presence of power-driven processing equipment distinguishes a processing facility from a collection facility. The facility receives and processes only residential and commercial recyclables.

RELIGIOUS INSTITUTION: Any organization, group, or entity that engages in spiritual exercise, including worship, education, outreach, or faith-based services, and uses land or facilities to support those activities.

RENEWABLE ENERGY FACILITY: A site, plant, or installation designed to produce electricity, thermal energy, or fuel from renewable energy resources—sources that are naturally replenished on a human timescale and are not depleted by use.

RESEARCH/DEVELOPMENT FACILITY: An establishment for carrying on investigation in the natural, physical, or social sciences, which may include engineering and process or product development, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

REPAIRS: The rebuilding, remodeling or removal of a part of an existing building for the purpose of maintaining its original type and classification.

RESIDENTIAL TREATMENT FACILITY: A live-in healthcare or therapeutic center where individuals receive structured, long-term treatment for medical, psychological, behavioral, or substance-use conditions.

RESTAURANT: A business establishment where food and drink are prepared, served, and consumed, but may also offer take-out service.

RETAIL, BUSINESS: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL, FOOD AND BEVERAGE: Establishments that retail food and beverage merchandise from fixed point-of-sale locations, including grocery stores, specialty food stores, and beer, wine, and liquor stores.

RETAIL, GENERAL: Establishments primarily engaged in the sale of new or used goods in general merchandise stores.

RETAIL, PRODUCTS PRODUCED ONSITE: Establishments that sell products other than food and beverage produced onsite, which may also be distributed to other locations for retail.

RIGHT-OF-WAY: An area owned or maintained by the City of Petoskey, Emmet County, Emmet County Road Commission, State of Michigan, federal government, public utility, railroad, or private entity for the placement of utilities or facilities and for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

ROAD: See STREET

ROOF: A top covering of a building or structure designed to protect the interior from weather elements such as rain, snow, and sunlight.

ROOF PITCH: The slope of the roof is expressed as the relationship between vertical and horizontal measures, for example, three units of vertical rise for 12 units of horizontal run is expressed as "3:12."

ROOFTOP MECHANICAL EQUIPMENT: Any permanently installed device, structure, or equipment, located on a building roof, intended or used for heating, air conditioning, make-up air, dust collection, plumbing ventilation, exhaust, telecommunication, or other purposes associated with the occupancy of the building.

ROOM: An enclosed area within a building separated from other spaces by walls, a floor, and a ceiling, typically used for a specific activity.

ROWHOUSE: A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

RUBBISH: Miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing, and offices, including other waste matter, such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

14.2.19 "S" Terms

SALES and RENTAL FACILITIES: Commercial establishments where goods, equipment, vehicles, or consumer products are offered for sale, lease, or short-term rental to the public. These facilities may include indoor or outdoor display areas and may provide related customer services such as maintenance, delivery, or demonstrations, depending on the type of merchandise offered.

SATELLITE DISH ANTENNA: A parabolic dish antenna, including its structural supports, used for reception of various television programming signals or used to transmit or receive other radio or electromagnetic waves between terrestrially or orbitally-based uses.

SCHOOLS (PUBLIC and PRIVATE): Educational institutions that provide organized instruction to students.

SCREENING: A wall, fence, or combination of plantings of sufficient height, length, and opacity to form a visual barrier.

SEASONAL RENTAL: A dwelling unit, room, or property that is leased or occupied for a limited period tied to a particular season, typically for recreational, vacation, or temporary residential use.

SELF-STORAGE FACILITY: A structure containing separate, individual, and private storage spaces leased or rented individually for varying periods of time.

SEMI-TRAILER: A flatbed vehicle that may be enclosed or not enclosed. having wheels generally only at the rear, and pulled in front by a truck tractor, towing vehicle, or dolly.

SENIOR LIVING FACILITY: Licensed personal care facilities, other than hotels, adult foster care homes, hospitals, nursing homes, or county medical care facilities, that provide supervised personal care to 21 or

more individuals. Homes that are operated in conjunction with and as a distinct part of a licensed nursing home may serve 20 or fewer adults.

SERVICE DRIVE: A minor public or private street or driveway which may be parallel to and adjacent to a major thoroughfare. A service drive provides access to abutting properties and controls access to the major thoroughfare.

SETBACK: The horizontal distance measured at right angles from the front, side, or rear lot line to the vertical plane of the building wall.

SETBACK, MINIMUM: The minimum horizontal distance measured at right angles from the front, side, or rear lot line to the buildable area.

SERVICES and TRADES ESTABLISHMENT: An establishment that provides services including but not limited to construction, heating, air conditioning, painting, plumbing, and roofing.

SEXUALLY ORIENTED BUSINESS: As defined in MCL 125.2831 includes, but is not limited to, an adult bookstore, adult video store, adult cabaret, adult motion picture theater, sexual device shop, or sexual encounter center or an establishment that regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity or in which persons appear in a state of nudity or semi nudity in the performance of their duties. However, sexually oriented business does not include a business solely because it shows, sells, or rents materials that may depict sex.

SHIPPING (CARGO) CONTAINERS: Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers,” “shipping containers,” and “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers.

SHOPPING CENTER: A commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

SHORT TERM RENTAL: A dwelling unit or portion thereof available for occupancy for a fee or other compensation for a term of less than 30 consecutive days, but not including bed and breakfast establishments, hotel rooms, motels, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, and hospitals or other health care related facilities.

SIGN: Any writing, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, or figure that is a structure or a part of a structure; is written, printed, painted, projected, constructed, illuminated, or otherwise placed or displayed upon any structure, building, parcel of land, or within three feet of a window interior that attracts attention to the subject thereof; is used as a means of identification, advertisement, announcement, expression, or decoration; and is visible from a street, right-of-way, sidewalk, alley, park, or other public property.

SIGN, ABANDONED: A sign that has not identified or advertised a current business, service, owner, product, or activity for a period of at least 360 days.

SINGLE FAMILY DWELLING: see DWELLING, SINGLE

SITE: One or more parcels of land included in or proposed to be included as part of a development.

SMALL CELL WIRELESS FACILITY: A wireless facility that meets both of the following requirements: Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume.

SMALL DISTILLER: A manufacturer of spirits annually manufacturing in Michigan not more than 60,000 gallons of spirits, of all brands combined.

SMALL WINE MAKER: A wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year. A small wine maker is not required to bottle the wine it manufactures.

SOLAR ENERGY CONVERSION SYSTEM, PERSONAL: A ground- or roof-mounted solar installation used to distribute generated energy primarily on-site for consumption; however, excess energy output may be delivered to the power grid with or without compensation.

SOLAR ENERGY CONVERSION SYSTEM, COMMERCIAL: A ground- or roof-mounted solar installation used to distribute generated energy primarily through the utility grid but may also be utilized to meet on-site energy demand.

SOLAR INSTALLATIONS, GROUND-MOUNTED: A private system installed on the ground of a lot as a principal or accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other experimental solar technologies. The primary purpose is for the consumption of generated energy on-site.

SOLAR INSTALLATIONS, ROOF-MOUNTED: A private system installed on the roof of a building as an accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other experimental solar technologies. The primary purpose is for the consumption of generated energy on-site.

SOLID WASTE TRANSFER FACILITY: A place or facility where nonhazardous, nonrecyclable solid waste materials are taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility.

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or religious importance that is organized and sponsored by a nonprofit community group, congregation, organization, club, or society, and that offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a defined short period (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SPECIAL LAND USE: Land uses are uses, either public or private, that possess unique characteristics and therefore cannot be properly classified as a use permitted by right in a particular zoning district or districts. Special land uses include regulated land uses.

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

STORY: That part of a building 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 basement is not included as a story, unless it is more than half above grade.

STORY, HALF: The portion of a building between the top floor and a sloping roof, with at least two opposite exterior walls meeting the sloping roof not over four feet above such floor level.

STREET: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land or lot, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of streets are defined as follows:

- a. Private Street: Any street that is to be privately maintained and has not been accepted for maintenance by the City of Petoskey, Emmet County, the State of Michigan, the federal government, or any other governmental unit, but that meets the requirements of this Ordinance or has been approved as a private road by the City under any prior ordinance.
- b. Public Street: Any street or portion of a road that has been dedicated to and accepted for maintenance by the City of Petoskey, Emmet County, State of Michigan, the federal government or any other governmental unit.
- c. Arterial Street: A street that carries a high volume of traffic and serves as an avenue for circulation of traffic into, out of, or around the City. An arterial road may also be a major thoroughfare.
- d. Collector Street: A street whose principal function is to carry traffic between local streets and arterial streets but may also provide direct access to abutting properties. Also known as a secondary street.
- e. Local Street: A street whose principal function is to provide access to abutting properties.
- f. Cul-De-Sac: A street that terminates in a vehicular turnaround.
- g. Major Thoroughfare: See ARTERIAL STREET

STREET LOT LINE: A dividing line between the street and a lot, also known as the right-of-way line or front property line.

STRUCTURAL ADDITION: Any alteration that changes the location of an exterior wall of a building or modifies the area of a building.

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

STUDIO: A single-room or open-layout space designed for a specific functional purpose, typically used for creative, artistic, instructional, or small-scale production activities, or, in residential contexts, a single-room dwelling unit that combines living, sleeping, and kitchenette functions into one primary space.

SUBDIVISION PLAT: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, Michigan Public Act 288 of 1967, as amended, and the Municipal land division regulations.

SYNAGOGUE: See RELIGIOUS INSTITUTION

SWIMMING POOL: Any permanent, non-portable structure or container, located partially or totally below grade, designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for the purposes of computing lot coverage.

14.2.20 "T" Terms

TASTING ROOM:

- a. A location on the manufacturing premises of a brewer or micro brewer where the brewer or micro brewer may provide samples of or sell at retail for consumption on or off the premises, or both, beer it manufactures.
- b. A location on or off the manufacturing premises of a wine maker or small wine maker where the wine maker or small wine maker may provide samples of or sell at retail for consumption on or off the premises, or both, shiners, wine it manufactures, or, for a small wine maker only, wine it bottles.
- c. A location on or off the manufacturing premises of a distiller or small distiller where the distiller or small distiller may provide samples of or sell at retail for consumption on or off the premises, or both, spirits it manufactured.
- d. A location on the manufacturing premises of a mixed spirit drink manufacturer where the mixed spirit drink manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, mixed spirit drinks it manufactured.
- e. A location on or off the manufacturing premises of a brandy manufacturer where the brandy manufacturer may provide samples of or sell at retail for consumption on or off the premises, or both, brandy it manufactured.

TAVERN: see DRINKING ESTABLISHMENT

TELECOMMUNICATION ANTENNA: A device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals to or from other antennas or telecommunication facilities for commercial or governmental purposes.

TELECOMMUNICATION TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, or other communication purposes. Such structures

may be freestanding, such as self-supporting lattices, guyed, or monopole towers; or attached to an existing structure, such as artificial trees, steeples, light poles, poles supporting power lines, or similar mounting structures that effectively camouflage or minimize the visual impact of antennas and towers.

TEMPLE: see RELIGIOUS INSTITUTION

TEMPORARY EVENT: An event permitted to exist for a limited period under conditions and procedures provided for in this Ordinance.

TEMPORARY USE: A use of property that is not the principal use and has a limited duration, such as a special event.

THEATER: An outdoor area, building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

THOROUGHFARE: See STREET

THROUGH LOT: See LOT, THROUGH LOT or DOUBLE FRONTAGE

TOWNHOUSE: see ROWHOUSE

TRAINING FACILITY: A specialized instructional establishment that provides on-site training.

TRANSPORTATION FACILITIES: Buildings, structures, terminals, and related infrastructure used for the movement, transfer, storage, or support of passengers, goods, or vehicles across various modes of transportation. These facilities may be publicly or privately owned and are designed to support operational, logistical, and transit-related activities.

TRIPLEX: See DWELLING; TRIPLEX

14.2.21 "U" Terms

URGENT CARE: A walk-in medical clinic that provides immediate, non-life-threatening healthcare services to patients who require prompt treatment but do not need the resources of a hospital emergency department. These facilities offer extended hours, accept unscheduled visits, and provide diagnosis, treatment, and limited laboratory or imaging services for a wide range of acute illnesses and minor injuries.

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

USE, CHANGE OF: Any alteration in the primary use of a lot for zoning purposes that may entail consideration of additional ordinance requirements.

USABLE FLOOR AREA: Square footage area used for, or intended to be used for, the sale of merchandise or services; the area for serving patrons, clients, or customers; and the area devoted to employee workspace. Such floor area which is used, or intended to be used, principally for the storage of merchandise, hallways, elevator or stairs, utilities, or sanitary facilities shall be excluded from this computation of "usable floor

area." Measurement of usable floor area shall be the horizontal areas of the floor(s) of the building, measured from the interior faces of the exterior walls.

UTILITY BUILDING: See UTILITY AND PUBLIC SERVICE FACILITY

UTILITY AND PUBLIC SERVICE FACILITY: A building, structure, or site used for the generation, transmission, distribution, management, or support of essential public services, including the provision of electricity, gas, water, sewage, telecommunications, and other infrastructure services. These facilities may be operated by public agencies, private utility companies, or franchise service providers and are necessary for the functioning of a community.

UTILITY POLE: A pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that meets the height requirements and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than fifteen (15) feet in height above ground.

UTILITY ROOM: A room used primarily for storage, for housing mechanical equipment, or for laundry or maintenance purposes.

UTILITY TRAILER: A small trailer that is not self-propelled that is designed to be pulled by an automobile, van, or pick-up truck.

14.2.22 "V" Terms

VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

VEHICLE: A device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excluding devices moved exclusively by human power (e.g., bicycles, push carts), and devices used exclusively upon stationary rails or tracks (e.g., trains).

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

VEHICLE CHARGING STATION (ELECTRIC VEHICLE): A device or station that provides power to charge the batteries of an electric vehicle.

VEHICLE FUELING STATION: Any building, land area, or other premises, or portion thereof, used for retail sales and dispensing of vehicular fuels and/or convenience items to the general public.

VEHICLE REPAIR SERVICES: An establishment engaged in the general repair, overhaul, or reconditioning of motor vehicles and recreational vehicles.

VEHICLE SALES & RENTAL: A commercial establishment where new and/or used motor vehicles are displayed, sold, leased, or rented to the public. These facilities may include indoor showrooms, outdoor display areas, customer service offices, and associated operations such as vehicle storage, fueling, or minor preparation services.

VEHICLE WASH: Any facility used for the commercial washing of motor vehicles.

VETERINARY SERVICES: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

VIEW CORRIDOR: A line-of-sight corridor from a public activity area such as a street, pedestrian walkway, outdoor recreation area, outdoor eating/drinking facility, outdoor attraction, or similar area to Little Traverse Bay and downtown.

VIEWSHED: A visually attractive, or aesthetically significant area that is visible from public rights-of-way, open space, or a designated parcel or parcels.

VISIBLE LIGHT TRANSMITTANCE: A measure of the amount of visible light that passes through the glazing material of a window, door, or skylight expressed as a percentage.

VISION TRIANGLE: The area at an intersection formed by extending a straight line 20 feet along the back of each curb from its radius spring point and connecting these two points.

14.2.23 "W" Terms

WALL: A linear upright structure, typically constructed of wood, masonry, metal, stone, or synthetic materials that encloses, divides, or protects an area.

WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. May include frequent, heavy truck traffic, open storage of materials, or nuisances such as dust, noise and odors, and wholesale activities, but does not include onsite manufacturing.

WHOLESALE ESTABLISHMENT: Activities primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WIND ENERGY CONVERSION SYSTEM, PERSONAL: A wind energy conversion system established as an accessory use to distribute generated energy primarily on-site for consumption, however, excess energy output may be delivered to the power grid with or without compensation.

WIND ENERGY CONVERSION SYSTEM, COMMERCIAL: A wind energy conversion system established as an accessory or principal use to distribute generated energy primarily through the utility grid, but may also be utilized to meet on-site energy demand.

WIND ENERGY CONVERSION SYSTEM: Any device or assemblage which converts wind energy into electricity through the use of a wind turbine generator which may include turbines, blades, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries, and associated electrical equipment. This does not include wiring to connect the wind energy system to the grid.

WINERY: A state-licensed facility or facilities that manufactures wine and is owned or controlled by a state-licensed Wine Maker, as defined and regulated by the Michigan Liquor Control Commission.

WIRELESS COMMUNICATION EQUIPMENT: The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

WIRELESS SUPPORT STRUCTURE: A freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

WIRELESS TELECOMMUNICATION FACILITY: All facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and may include, but is not limited to: radio and television towers; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; television reception antennae; satellite dishes; and governmental facilities that are subject to state and federal law or regulations that preempt municipal regulatory authority.

WIRELESS TELECOMMUNICATION SUPPORT STRUCTURE TOWER: Any wireless telecommunication facility erected or modified to support attached wireless telecommunication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless telecommunication facility or similar apparatus above grade. This includes, but is not limited to, any ground or roof-mounted pole, monopole, lattice tower, light pole, utility pole, wood pole, guyed wire tower, spire, other similar structure or combination thereof, or other structures that appear to be something other than a mere support structure.

14.2.24 "X" Terms

14.2.25 "Y" Terms

YARD: Open space (on the same lot with a principal structure unoccupied and unobstructed from the ground upward except otherwise provided in this ordinance.

- a. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal structure.
- b. Side Yard: An open space between a main building and the side lot line; extending from the front yard to the rear yard; the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal structure.

- c. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal structure. In the case of a corner lot, the rear yard may be opposite either street frontage.

14.2.26 "Z" Terms

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING ADMINISTRATOR: The City official(s) authorized to administer and interpret the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission and Zoning Board of Appeal actions, sending notices of public hearing, and similar work.

ZONING BOARD OF APPEALS: The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, to serve as the Zoning Board of Appeals for the City of Petoskey, Emmet County, Michigan.

ZONING DISTRICT: A portion of the incorporated area of the City within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established under the provisions of this Ordinance.

ZONING PERMIT: A standard form issued by the Zoning Administrator upon application and declaration by the owner or his/her duly authorized agent regarding proposed construction and use of land thereon, granting approval for the construction or use applied for. A zoning permit is also known as a land use permit.