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## 152.005 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY BUILDING OR STRUCTURE.** A supplemental building or structure on the same lot or premises as the main building, occupied or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes.

**AUTOMOTIVE REPAIR FACILITY.** A building or part thereof, other than a private garage, designed or used for equipping, servicing, and/or repairing of motor vehicles.

**BED AND BREAKFAST.** An owner-occupied private home (dwelling unit) wherein up to and including 3 bedrooms have been converted for guest use for compensation.

**BUILDING.** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind, or carrying on business activities. A BUILDING shall include tents, awnings, and garages, greenhouses and carports and other principal or accessory structures; and also semi-trailers, vehicles, mobile homes, or pre-manufactured or pre-cut structures, erected on-site, above or below ground, designed primarily for shelter rather than as a means of conveyance. A BUILDING shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, grain elevators, oil bunkers, oil cracking towers, or similar structures.

**BUILDING SITE.** The area within a lot upon which a principal building or structure together with any attached or detached accessory structures may be located.

**CARPORTS, CANOPIES, AND SHELTERS.** See ACCESSORY BUILDINGS.

**CHURCH.** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

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

**CONVENIENCE SALES AND PERSONAL SERVICE.** Refers to the retail sale of small convenience items and services.

**CORE LIVING AREA.** The principal living space determined by measurements of the exterior main building, excluding porches, areas devoted exclusively to accessory uses and decks, sheds, or non-heated additions.

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**CUMULATIVE ZONING.** Sometimes the uses permitted in 1 district are also permitted in another district. For example, single-family detached houses are permitted in a multiple-dwelling district.

**DISTRICT.** A geographic area designated by boundary lines, where zoning regulations are common to all land contained within.

**DOMESTIC ANIMAL.** An animal that a zoo director determines is not likely to bite without provocation nor cause death, maim, or illness of a human.

**DUPLEX.** A building containing not more than 2 separate dwelling units designed for residential use.

**DWELLING.** A building or structure occupied as a home, residence, or sleeping place for 1 or more persons, either permanently or transiently, and complying with the following standards.

- (1) It has a minimum width of the principal part of the building of 20 feet and complies in all respects to the Grand Traverse County Construction Code, including minimum height for habitable rooms.
- (2) It is firmly attached to a permanent foundation constructed on the site in accordance with the Grand Traverse County Construction Code and CO-extensive with the perimeter of the building.
- (3) It does not have exposed wheels, towing mechanism under carriage, or chassis.
- (4) The building or structure contains no additions or rooms or other areas which are not constructed with materials and quality of workmanship similar or better to that of the original structure, including the above-described foundation and permanent attachment to the principal structure.
- (5) The building or structure is connected to a public sewer and water supply or to the private facilities approved by the local health department.
- (6) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in a closet area, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (7) The building or structure complies with the Village of Kingsley building and fire codes, including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled, Mobile Home Construction and Safety Standards, being 24 C.F.R. pt. 3280, effective 6-15-1976, as amended.

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- (8) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home plat zoned for the uses, except to the extent required in this chapter pertaining to the park.

**DWELLING, MULTIPLE-FAMILY.** A dwelling designed for or occupied as a residence for 3 or more families living independently of each other and each having their own cooking facilities and sanitary accommodations.

**DWELLING, 1-FAMILY.** A building containing not more than 1 dwelling unit designed for residential use.

**ERECTED.**

- (1) Includes built, constructed, reconstructed, moved upon, or any physical operation on the premises intended or required for a building or structure.
- (2) Fill drainage and general property improvement shall not be considered as erection.

**ESSENTIAL SERVICES.**

- (1) The erection, construction, alteration, or maintenance by utilities regulated by the Michigan Public Service Commission, municipal departments or commissions, or any governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by the Michigan Public Service Commission's regulated utilities, municipal departments, commissions, or any governmental agencies.
- (2) Warehouses, storage yards, office buildings, vehicle maintenance and repair facilities along with areas or facilities used for equipment repair shall not be classified as essential services for the purpose of this chapter.

**FAMILY.** One or 2 or more persons occupying a dwelling and living together as a single housekeeping unit.

**FLOOD PLAIN.** The area of land adjacent to a river or other body of water which is inundated as a result of water exceeding the normal banks of the water body.

**FLOOR AREA.** The square feet of floor space within the outside walls exclusive of porches, garage, basement, cellar, or attic area.

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**FRONT YARD.** A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

**GARAGE, PRIVATE.** An accessory building or an accessory portion of a principal building designed for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**GARAGE, PUBLIC.** A building or part thereof, other than private garages, designed or used for equipping, servicing, repairing, hiring, storing, or parking of motor vehicles. The term does not include the rebuilding, dismantling, or storage of wrecked or junked vehicles.

**GREENBELTS.** A greenbelt shall be a planting strip or buffer strip, at least 10 feet in width but not over 100 feet in width with plantings and spacing as deemed necessary by the Planning Commission.

**GOVERNMENT BUILDING.** A building provided by or for the purpose of a government or municipality to care for a specified need or function essential to its existence, or which would serve or benefit the public at large.

**HIGHWAY.** Any public thoroughfare including federal, state, and county roads.

**HOME OCCUPATION.**

- (1) An occupation clearly incidental to residential use such as dressmaking, real estate sales, bookkeeping, and accounting services.
- (2) The occupation may be engaged in only by a resident entirely within his or her dwelling, and not in an accessory building, or with the use of nonresident employees.
- (3) The use shall not occupy more than 25% of the floor area, exclusive of attic or basement, and shall show no external evidence of the use or any change in the appearance of the building or premises from residential use.

**HOME PROFESSIONAL OFFICE.**

- (1) The office of a professional person such as a doctor, lawyer, osteopath, dentist, chiropractor, or engineer and similar professions, when engaged in only by a resident within his or her dwelling and not in an accessory building or structure, and with the assistance of not more than 1 outside or nonresident employee.
- (2) The use shall occupy not more than 25% of the floor area exclusive of attic or basement, and shall show no external evidence of the use or any change in the appearance of the dwelling or of the premises from residential use, provided, that 1 sign, not exceeding 3 square feet in area may be erected flat on the front wall of the dwelling for identification.

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**IMPERVIOUS SURFACE.** Any material that prevents absorption of storm water, i.e. asphalt, concrete. This excludes gravel surfaces.

(Ord. 2005-4, passed 3-7-2005)

**JUNK YARD.** The use of premises for storage or disposition of old and dilapidated automobiles, tractors, trucks, wagons, and other vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, drums, piping bottles, old iron, machinery, rags, paper, and other scrap or waste materials.

**LOT OF RECORD.** A lot that was "platted or otherwise of record" as of the effective date of the chapter, or amendments thereto.

**LOT OR PREMISES.** The parcel of land occupied by or to be occupied by a building and its accessory buildings or structures, together with the open spaces, minimum area and width required by this chapter for the district wherein located, and having its frontage on a public street.

**MANUFACTURED HOME.**

- (1) Is constructed almost entirely in a factory.
- (2) The house is placed on a steel chassis and transported to the building site.
- (3) The wheels can be removed but the chassis stays in place.
- (4) Local building codes do not apply to manufactured homes; instead these houses are built according to specialized guidelines (federal HUD regulations in the United States) for manufactured housing.

**MINI-STORAGE BUILDING.** Rows of garage-like structures designed for dead storage of personal goods, rented for periods of time to individuals and small businesses.

**MOBILE HOME.** A 1-family manufactured living unit which is transported to a site as 1 or more modules, any of which is so constructed as to permit permanent occupancy as a home, residence, or sleeping place by 1 or more persons.

**MOBILE HOME PARK.** Any site or tract of land upon which 3 or more mobile homes are located, either free of charge or for revenue purposes; excluding mobile home sales, at which none of the mobile homes are allowed to be occupied.

**MODULAR HOME.**

- (1) Is constructed of pre-made parts and unit modules.
- (2) A complete kitchen and bath may be pre-set in the house.

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- (3) Wall panels, trusses, and other pre-fabricated house parts are transported on a flat bed truck from the factory to the building site.
- (4) Unlike manufactured homes, MODULAR HOMES must conform to the building codes for the locations where they are erected.

**MOTEL.** A building or group of buildings, whether detached or in connection units, used or designed as individual sleeping units for transient travelers, and providing accessory off-street parking facilities.

**NONCONFORMING USE.** A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located or the provisions of this chapter.

**NURSERY.** A place where trees, shrubs, and plants are grown, or raised for transplanting, for use as stocks for budding and grafting, or for sale.

**OFFICES.** Refers to offices of private firms and organizations and certain government agencies, which are primarily used for the execution of professional, executive, management, or administrative services.

**OPEN AIR MARKET.** Commercial sale of new or used general merchandise, including antiques, and produce on a temporary basis in open stalls or within partially enclosed or totally enclosed space.

**PRINCIPAL USE.** The primary and predominant use or intended use of the premises according to the zone requirements, including permitted accessory uses.

**PRIVATE ROAD.** A street or other thoroughfare used for passage to and from land, which does not abut a publicly maintained road, street, or highway.

**PYRAMID ZONING.** Utilized cumulative zoning for the residential district: R-1, R-2, R-3, and R-4. These districts are cumulative in the order listed in “this chapter.”

**RECREATIONAL UNIT.**

- (1) A vehicular-type structure, typically containing less than 500 square feet of floor space primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered.
- (2) RECREATIONAL UNIT shall include travel trailers, camping trailers, motor homes, truck campers, slide-in campers, and chassis-mounted campers.

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## SIGNS.

- (1) **BILLBOARD.** An off-premises sign that is affixed to or erected upon a free standing framework designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.
- (2) **BUSINESS CENTER.** A single building containing 3 or more businesses.
- (3) **CANOPY SIGN.** A sign that is part of a canopy over a door or window.
- (4) **COMMON BUILDING.** Where multiple businesses share a building.
- (5) **CONSTRUCTION SIGN.** An on-premises sign identifying those involved in the construction of a development of a project, including the designer, builder, or financial institution.
- (6) **DEVELOPMENT SIGN.** A sign used to identify a residential or commercial development on the premises.
- (7) **FREESTANDING SIGN.** A sign not attached to a building or wall, supported on poles or supports.
- (8) **INFLATABLE SIGN.** A balloon or similar air- or gas-filled membrane of any size calling attention to a business, product, or event.
- (9) **INFORMATIONAL SIGN.** A sign providing information regarding the services and products of a business, including sandwich board signs, menus boards, “open” signs, and hours of operation.
- (10) **MONUMENT SIGN.** A sign whose base is at ground level and has landscaping at the base.
- (11) **OFF-PREMISES SIGN.** An advertising sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold, or offered on premises other than that upon which the sign is located.
- (12) **POLITICAL SIGNS.** A sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school, or any other election.
- (13) **PORTABLE SIGN.** A free-standing sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer or frame capable of being moved from place to place, not including informational signs as defined herein.

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- (14) **PROJECTING SIGN.** A sign which projects from and is supported by a wall of a building.
- (15) **REAL ESTATE SIGN.** A sign located on premises containing land or buildings for sale, rent, or lease, or buildings under construction and intended for sale, rent, or lease.
- (16) **ROOF SIGN.** A sign that is attached to the roof of a building, or that projects above a building's roofline, or that is attached to the roof of an automotive vehicle.
- (17) **SIGN.** A communication device whose message and design relates to a business, an event, goods, profession, or service.
- (18) **SIGN HEIGHT.** For ground signs, SIGN HEIGHT is defined as the measurement from the established grade to the highest point on the sign.
- (19) **SURFACE DISPLAY AREA.**
  - (a) 1. The entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background.
  - 2. Sign area shall include the frame of a sign, but shall not include any post or other sign structure not containing an advertising message.
  - (b) If a sign has only 1 exterior face, the surface display areas of that face shall not exceed the specified maximum.
  - (c) If a sign has 2 exterior faces, the surface display area of each face shall not exceed the specified maximum.
  - (d) If a sign has more than 2 exterior faces, the sum of the surface area of all the faces shall not exceed twice the specified maximum.
  - (e) In the case of a canopy sign, the copy area of the canopy shall be measured to determine total surface display area.
- (20) **TEMPORARY SIGN.** A display or information sign with or without a structural frame and intended for a period not to exceed 30 days of display.
- (21) **TIME AND TEMPERATURE DISPLAY SIGNS.** A variable message sign, which displays current time and temperature in a stationary or alternating manner.

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## (22) WALL SIGN.

- (a) A sign which is attached directly to or painted upon a building wall with the exposed face of the sign in a plane parallel to the building wall.
- (b) WALL SIGNS include, for purposes of this chapter, window signs (see definition below), marquees, awning signs, and canopy signs.

## (23) WINDOW SIGN.

- (a) Signs affixed to, etched into, painted on, in contact with, or within 12 inches of a window; installed for purposes of viewing from outside the premises.
- (b) This does not include merchandise located in a window, or any informational signs as defined in this section.

**SPECIAL USE.** Those uses of land which are not essentially incompatible with the permitted uses in a zoning district, but possess characteristics or location qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services, facilities, and adjacent uses of land.

## STICK-BUILT HOME.

- (1) Is constructed on the building site, piece by piece.
- (2) Manufactured and modular homes are not classified as stick-built because they are made mostly in the factory and then transported to the site.

**STREET.** A public thoroughfare which affords the principle means of access to abutting property.

**STRUCTURE.** Any construction, assembly, or erection, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.

**TEMPORARY BUILDING.** A building which is not permanently affixed to the property. An example of a TEMPORARY BUILDING is a trailer used on a construction site or a tent.

**TEMPORARY SIGN.** A sign advertising real estate or for political campaigns and other temporary purposes for a time not to exceed 90 days.

**TENTS.** A portable shelter of canvas, coarse cloth, or similar material supported by 1 or more poles, but not including those used solely for children's recreational purposes or noncommercial purposes.

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**VARIANCE.** A deviation from the terms of this chapter as authorized by the enabling statute, upon findings of practical difficulties and unnecessary hardship.

**VETERINARY CLINIC.** An establishment where animals are treated for diseases and injuries, surgically or medically.

**YARD.** Space open to the sky between a building and the lot line of the premises on which located, unoccupied and unobstructed by any encroachment of structure, except as otherwise provided by this chapter.

**ZONING PERMIT.** The permit that is issued after the Zoning Administrator has all the necessary information and assurances that indicates the parcel of property, and uses proposed, are in compliance with the zoning ordinance.

**ZONING PERMIT APPLICATION.**

- (1) The formal application that must be submitted by owner or his or her agent as to the construction, use, and activities that will be occurring on the parcel of property in question.
- (2) This will include but not be limited to site plans, scale drawing, and verification of property ownership.

(Ord. passed 10-23-1978, § 3.01; Am. Ord. 2002-8, passed 10-7-2002; Am. Ord. 2002-3, passed 9-9-2002; Am. Ord. 2004-4, passed 2-23-2004; Am. Ord. 2005-7, passed 7-25-2005; Am. Ord. 2006-6, passed 9-11-2006)