

**PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023**

**CHAPTER 3
CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

Rules of Construction

- Control
- Headings
- Illustrations
- Tense
- Shall and May
- Building
- Dwelling
- Lot
- Person
- Used or Occupied
- Erected
- Connection of Words
- Development Limitations Adjacent and Abutting Properties
- Terms Not Defined

Terms Defined in the Ordinance

Rules of Construction - The following rules of construction apply to the text of this Ordinance:

Control - The particular shall control the general.

Headings - Except with respect to the headings contained in Definitions of this Ordinance, the headings which title a section or sub-section of this Ordinance are for the purpose of convenience only and are not to be considered in any construction or interpretation of this Ordinance, or as enlarging or restricting any of its terms and provisions in any respect.

Illustrations - The illustrations contained within this Ordinance are intended to describe hypothetical applications of the provisions which refer to them and shall not have the effect of enlarging or restricting the terms and provisions which refer to them, nor shall they be applicable to other provisions of this Ordinance which do not refer to them. In the event of a conflict between the provisions of the written text of this Ordinance and the illustrations, the text shall govern.

Tense - When not inconsistent with the context, words used in the present tense shall include the future tense, words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

Shall and May - The word shall is always mandatory and not merely discretionary. The word may is permissive.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Building - The word building includes the word structure. A building or structure includes any part thereof.

Dwelling - The word dwelling includes the word residence.

Lot - The word lot includes the words plot, parcel, and condominium unit site.

Person - The word person shall include an individual, firm, association, joint venture, partnership, corporation, trust, municipal or public entity, or equivalent or similar entity or a combination of any of them.

Used or Occupied - The words used or occupied include the words intended, designed, maintained for, or arranged to be used or occupied.

Erected - The words erected or erection as applied to any building or structure shall be construed to include the words built, constructed, reconstructed, moved upon, or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.

Connection of Words - Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either...or”, the conjunction shall be interpreted as follows: 1). “And” indicates that all the connected items, conditions, provisions, or events shall apply. 2). “Or” and “either...or” indicate that the connected items, conditions, provisions, or events may apply singularly or in any combination.

Development Limitations Adjacent and Abutting Properties - Except where the context of this Ordinance clearly indicates otherwise, limitations imposed upon development of a parcel because it is adjacent to or abutting another particular use district shall be interpreted as follows: Neighboring uses, parcels of land and zoning districts shall be considered to be abutting or adjacent to one another irrespective of whether they are separated by a street or road, provided, however, neighboring uses, parcels of land and zoning districts shall not be considered to be abutting or adjacent to one another if they are separated by a state trunkline, the US-131 freeway, or railroad right-of-way. Limitations may not be circumvented by separating the parcel from the adjacent or abutting use district by a parcel or strip of land which is undevelopable because of its size or inaccessibility.

Terms Not Defined - Terms not herein defined shall have the meaning customarily assigned to them.

Terms – The following terms are defined in this Ordinance.

A – Terms

Abutting

Acceleration Lane

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

Access Management (Access Control)
Access to Property, Reasonable
Accessory Building
Accessory Dwelling Unit (ADU)
Accessory Dwelling Unit (ADU) - Internal
Accessory Dwelling Unit (ADU) - External
Accessory Use
Adjacent, Lot or Parcel – See Abutting
Adult
Adult Business Uses
 Adult Bookstore
 Adult Mini Motion Picture Theater
 Adult Motion Picture Theater
 Adult Personal Service Business
 Cabaret
 Partially Nude
 Specified Anatomical Areas
 Specified Sexual Activities
Adult Day Care Center
Adult Foster Care
 Adult Foster Care Facility
 Adult Foster Care Family Home
 Adult Foster Care Small Group Home
Affordable Housing
Agriculture
Alley
Already Constructed
Alteration
Animal Farm
Animal, Household or Domestic
Animal, Wild
Antenna
Apartments
Apiary
Appeal
Applicant
Architectural Feature
Assisted Living
Assisted Living Facility
Automobile Service Establishment – Major and Minor Services
 Major Services
 Minor Services
Automobile Service Station

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

B – Terms

Bar (Lounge or Pub)
Basement (Cellar)
Bed and Breakfast
Bedroom
Benefit, Recognizable and Substantial
Berm
Bicycle Parking Facility
Bicycle Parking Space
Billboard
Block
Board of Appeals – See Zoning Board of Appeals (ZBA)
Boarding House – See Rooming House
Boat Lot
Breezeway
Brewpub
Brownfield
Buffer Strip (Buffer Zone)
Buffer Zone – See Buffer Strip
Building
Building Envelope
Building Height
Building Inspector
Building Line (Setback Line)
Building, Main (Principal Building)
Building Permit for Zoning Compliance (Certificate of Zoning Compliance)
Building Site for a Site Condominium
Business Center (Shopping Center)
Business District
Business Incubator

C – Terms

Canopy Deciduous Tree
Central Business District (CBD)
Certificate of Zoning Compliance - See Building Permit for Zoning Compliance
Child Care Center – See Day Care Center
Church (Place of Worship)
Clinic
Club
Cluster (Cluster Development)
Commercial Trailer
Commercial Use

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

Commercial Vehicle
Commercial Wireless Telecommunication Services
Commission (Planning Commission)
Common Land
Common Open Space
Communication Tower (Broadcast Tower, Single-Use Tower, and Multi-User Tower)
Communication Tower Building
Community Impact Statement
Conditions (Attached to Property)
Condominiums Definitions
 Condominium Act
 General Common Element
 Limited Common Element
 Master Deed (See also Consolidating Master Deed)
 Condominium Subdivision Plan
 Condominium Unit
 Condominium Unit Site
Consignment Store
Construction
Convalescent Home (Nursing Home)
Convenience Store
Corner Clearance
Construction
Council
Cul-De-Sac
Court
Crematory (Crematorium) - Humans
Crematory (Crematorium) - Pets
Curb Level

D – Terms

Day Care Center (Child Care Center)
Day Care Home, Family
Day Care Home, Group
Deceleration Lane
Decibel
Deed Restriction – See Restrictive Covenant
Density (See Net Site Area)
Department
Department Store
Detention Facility
Development
District

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

Drainageways and Streams
Drive-Through
Driveway
Driveway Approach
Dwelling, Duplex
Dwelling, Multiple-Family
Dwelling, Premanufactured (Manufactured Home and Manufactured Housing Unit)
Dwelling, Single-Family
Dwelling, Site Built
Dwelling, Townhouse (Row Housing and Garden Apartments)
Dwelling Unit
Dwelling Unit, Attached
Dwelling Unit, Detached

E – Terms

Earth Berm – See Berm
Easement
Efficiency Apartment
Effective Date
Elder Care Assisted Housing (Housing for the Elderly. See also Convalescent Home and Nursing Home)
Engineer (City Engineer)
Enterprise Zones
Entrance Ramp
Erected
Essential Public Services
Essential Public Service Building
Essential Public Service Storage Yard
Excavation
Exit Ramp
Existing Building
Existing Use

F – Terms

Family
Farm – See Agriculture
Fence
Filling
Financial Services
Fiscal Impact
Floodplain
Floodway
Floodway Fringe
Flood Hazard Area

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

Flood Insurance Rate Map (FIRM)
Flood Insurance Study
Floor Area, Gross
Floor Area, Residential
Foot-Candle (One Foot Candle/See also Lumens)
Foster Family Home
Foster Family Group Home
Freeway (Limited Access Highway)
Frontage (Lot Frontage and Lake Frontage)
Frontage Drive (Service Road)
Fueling Station for Light Vehicles (Gasoline Service Station/See Plug-In Electric Vehicle Charging Station)
Fueling Station for Heavy Vehicles (Truck Stop)
Funeral Home (Mortuary)

G – Terms

Garage, Private
Garage Sales – See Yard Sales
Garbage
Garden Center (Nursery)
Gasoline Service Station – See Fueling Station
Generally Accepted Agricultural Management Practices
Glare
Grade
Grade, Finished
Grade, Natural
Gradient
Greenbelt (Landscape Screen)
Group Day Care Home
Group Shelter (Homeless Shelter)

H – Terms

Hedge Row
Helipad (Heliport)
Heliport
Helistop
Historic Building
Home for the Aged
Home Occupation
Homeless Shelter – See Group Shelter
Hospital
Hotel
Housing for the Elderly (Senior Citizen Housing)

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

I – Terms

Indoor Recreation Establishment
Impervious (Impervious Surfaces)
Infill
Inoperable Vehicle
Institutional Uses

J – Terms

Junk (Salvage Material)
Junk Yard

K – Terms

Kennel, Commercial
Keyhole

L – Terms

Land Banking
Land Banking of Parking
Landscaping
Landscape Screen – See Greenbelt
Live-Work Units (Live-Work Space)
Loading Space
Local Street
Lot
Lot Area
Lot, Corner
Lot Coverage
Lot Depth
Lot, Double Frontage – See Through Lot
Lot Frontage – See Frontage
Lot, Flag
Lot, Interior
Lot Lines (See also Yard)
 Front Lot Line
 Rear Lot Line
 Side Lot Line
Lot, Nonconforming
Lot, Through (Double Frontage Lot)
Lot, Waterfront
Lot, Zoning
Lot of Record
Lot Width
Lumens - See also Foot-Candle

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

M – Terms

Main Building
Manufactured Housing Unit (Home) - See Dwelling, Premanufactured
Manufacturing
Map (Zoning Map)
Market Study
Massage
Massage Clinic (Not to include Adult Massage Parlor)
Master Plan
Medical Clinic
Mezzanine
Microbrewery or Microbrewer
Mini-Lube - See Oil Change Establishment
Mini-Warehouse (Self Storage Warehouse)
Mixed-Use Building
Mixed-Use Development
Mobile Home
Mobile Home Park (Manufactured Home Park)
Mobile Home Subdivision (Manufactured Home Subdivision)
Mortuary – See Funeral Home
Motel (Motor Court)
Motor Freight Terminal
Motor Home
Multi-Tenant House – See Rooming House
Municipality
Municipal Civil Infraction
Municipal Park (Public Park)

N – Terms

Natural Features
Nature Preserve
Nonconforming Building (Nonconforming Structure)
Non-Conforming Lot of Record (Substandard Lot)
Nonconforming Use
Nuisance Factors
Nuisance Per Se
Nursery - See Garden Center

O – Terms

Occupancy Load
Occupied
Offset (Driveways and Streets)

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

Off-Street Parking Lot – See also Parking Structure
Oil Change Establishment, Mini-Lube
Open Air Business
Open Front Store
Open Space
Ordinary High-Water Mark
Outdoor Furnace (Outdoor Boiler)
Outdoor Recreation Establishment
Outlot
Overlay Zoning Districts (Overlay Zone)

P – Terms

Park
Parking
Parking Lot – See Off-Street Parking Lot and Parking Structure
Parking Space
Parking Structure – See Off-Street Parking Lot
Parapet Wall
Parcel
Patio
Pet
Pet Boarding and Training Facility - See Kennel
Placemaking
Place of Worship – See Church
Planned Commercial Center
Planned Unit Development
Planned Rezoning Overlay (PRO) Agreement
Planning Commission – See Commission
Plat
Plug-In Electric Vehicle (PEV)
Plug-In Electric Vehicle (PEV) Charging Station – See Fueling Station
Principal Building or Structure – See Main Building
Principal Use
Principal Use Permitted
Privacy Screen
Private Club – See Club
Private Street
Professional Services
Public Bicycle Route
Public Open Space – See Open Space
Public Park – See Park
Public Parking Area
Public Street

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

Public Utility

Q – Terms

Qualified Residential Treatment Program as a Residential Use
Queuing, Vehicular – See Stacking

R - Terms

Radioactive Materials
Recreational Equipment and Trailers
Recreational Facility
Recreational Vehicle
Refuse Bin (Dumpster, Trash Receptacle)
Regional Center
Restaurant, Drive-In (Drive-Through and Fast Food)
Restaurant, Sit-Down
Restrictive Covenant (Deed Restriction)
Retail Business Service Use
Retail Business Use (Retail Store)
Right-of-Way
Right-to-Farm Act
Rooming House (Multi-Tenant House and Boarding House)

S - Terms

Salvage – See Junk
Salvage Yard – See Junk Yard
Satellite Dish Antenna
Screen
Self-Storage Warehouse – See Mini-Warehouse
Service Drive
Setback, Average – See Average Setback
Setback, Existing
Setback Line – See Building Line
Setback, Required
Sight Distance
Sign
Similar
Site Condominium – See Condominium
Site Plan
Site Plan Change, Minor and Major
 Minor Change
 Major Change
Smart Growth
Special Land Use

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

Stacking, Vehicular (Queuing)
Stormwater Detention Facility
Stormwater Retention Facility
Story
Street
Structure
Structural Alterations
Subdivision
Substantial Improvement
Sun Hour (Peak)
Sustainable Development
Swimming Pool

T - Terms

Tattoo Parlor
Telecommuting
Telework
Telework Center
Temporary Use or Building
Transitional Housing
Transient Residential Uses
Tree Lawn
Tent
Traffic Study
Truck Stop - Fueling Station for Heavy Vehicles

U - Terms

Use

V - Terms

Variance
Vehicle
Vehicle Repair – See Automobile Service Establishment
Veterinary Clinic (Veterinary Hospital)
Video Arcade (Video Establishment and Video Gallery)
Violation

W – Terms

Walkable Development (Walkable Community)
Wall, Obscuring
Waterfront
Wetland
Wetland, Regulated

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

Wind Energy Turbine (WET)
Wireless Communications Equipment
Wireless Communications Support Structures
Wholesale Store (Wholesale Warehouse)

X – Terms – Reserved for future use.

Y – Terms

Yard

 Front Yard

 Rear Yard

 Side Yard

Yard Sales (Garage Sales)

Z - Terms

Zoning Act

Zoning Administrator

Zoning Board of Appeals

Zoning District

Zoning Map

Zoning Permit – See Building Permit for Zoning Compliance

A - Definitions

Abutting

A lot or parcel which shares a common or neighboring border with another lot or parcel. Neighboring uses, parcels of land and zoning districts shall be considered to be abutting or adjacent to one another

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

irrespective of whether they are separated by a street or road, provided, however, neighboring uses, parcels of land and zoning districts shall not be considered to be abutting or adjacent to one another if they are separated by the US-131 freeway, M-115, M-55, or a railroad right-of-way.

Acceleration Lane

A speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

Access Management (Access Control)

A technique to improve traffic operations along a roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to Property, Reasonable

A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or incorporate certain turning movements normally prohibited if determined necessary for improved public safety and traffic operations.

Accessory Building

A structure subordinate to, and customarily associated with, a principal use and located on the same lot as the principal use. Unless otherwise provided for by this Ordinance, an accessory building shall not include any building used for a dwelling, lodging, or sleeping quarters for human beings nor shall an accessory building be constructed without benefit of the existence of a principal use.

Accessory Dwelling Unit (ADU) – See Internal and External Accessory Dwelling Unit

An accessory dwelling unit (ADU) is a legal and regulatory term for a living quarter, secondary house or apartment that shares the building lot of a larger, primary home. The unit cannot be bought or sold separately, but they are often used to provide additional income through rent or to house a family member.

Accessory Dwelling Unit (ADU) – Internal

An accessory dwelling unit (ADU) is a living quarter or apartment that is located within (internal to) the primary home located on the lot or parcel. The primary home is the principal use of the lot or parcel.

Accessory Dwelling Unit (ADU) – External

An external accessory dwelling unit (ADU) is a detached secondary dwelling that shares the building lot of a larger primary home (the principal use of the lot or parcel).

Accessory Use

A use which is clearly incidental, additional, supportive, subordinate to, and customarily found in connection with, and located on the same lot, unless otherwise specified, 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.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Adjacent, Lot or Parcel – See Abutting

Adult

A person having attained the legal age of adulthood as defined by the laws of the State of Michigan.

Adult Business Uses

For the purpose of this Ordinance, the following definitions of specific Adult Business Uses shall have the meanings respectively ascribed to them in this text, except where the context clearly indicates a different meaning:

Adult Bookstore

An establishment having as a substantial or significant portion of its stock in trade for sale, barter, or rental, books, magazines, other periodicals, films, posters, video tapes, or other materials or means for the recording or reproduction of a visual display on a video screen or other display device which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motion Picture Theater

An enclosed building of any capacity used for presenting for on-premises viewing, by use of motion picture devices or any coin-operated device or other means, material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons therein.

Adult Personal Service Business

A business whose activities include a person, while nude or partially nude, providing personal services for another person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: modeling studios, photographic studios, wrestling studios, individual theatrical performances, body painting studios, and massage studios. This definition shall not preclude necessary medical treatments performed on any part of the human body if carried out by, or under the direction of, medical practitioners including physicians, chiropractors, and associated medical professionals licensed by the State of Michigan and massage therapists who are certified members of the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards.

Cabaret (Burlesque Club)

An establishment which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

Partially Nude

A person having any portion of the following body parts exposed: buttocks, genitals, pubic area or female breasts.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Specified Anatomical Areas

Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities

Human genitals in a state of sexual stimulation, acts of human masturbation, sexual intercourse, or sodomy, and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Adult Day Care Center

A facility, other than a private residence, where one (1) or more functionally impaired persons are received for care and supervision. Overnight care shall not be provided. Nursing Homes, Convalescent Homes, Homes for the Aged, or facilities defined under Housing for the Elderly are not included in this definition. However, such businesses may establish Adult Day Care Centers within their own facilities if such use is permitted within the underlying district.

Adult Foster Care

Adult Foster Care Facility

A governmental or nongovernmental establishment that provides foster care to adults. Subject to the Adult Foster Care Facility Licensing Act (PA 218 of 1979), an adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, home for the aged, a hospital for the mentally ill or a facility for the developmentally disabled, each as defined by State statute.

Adult Foster Care Family Home

An occupied single-family dwelling in which one (1) but not more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a relative or legal guardian. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

Adult Foster Care Small Group Home

A single-family dwelling occupied as such in which more than six (6) but not more than twelve (12) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a relative or legal guardian.

Affordable Housing

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

As defined by the United States Department of Housing and Urban Development, affordable housing is defined as housing on which the occupant is paying no more than thirty (30) percent of gross income for housing costs, including utilities.

Agriculture - See also Farm

General farming, including horticulture, floriculture, dairying, livestock, poultry raising, farm forestry, and other similar enterprises or uses, provided, however, agriculture shall not include uses which are industrial in orientation. These include, but shall not be limited to, sawmills, wood chipping, and commercial composting.

Alley

Any dedicated public right-of-way or private easement affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Already Constructed - See Constructed

Alteration

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

Animal Farm - See Farm

Any animal or fowl customarily raised on a farm for the production of income such as goats, rabbits, horses, cows, pigs, chickens, turkeys, sheep, ducks, and geese or for consumption by the residents of the premises on which the farm is located.

Animal, Household or Domesticated - See Pet

An animal commonly domesticated (tamed and trained) as a companion or pet and kept in a home or yard and not used for commercial purposes. Examples include dogs, cats, birds, and aquarium housed fish. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.

Animal, Wild

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include but shall not be limited to: alligator (family); deer (family); opossum (family); badger, wild dog, coyote, wolf (family); primate excluding humans (family); bear, raccoon, ferret, skunk, cat (wild family); lemur, spider (poisonous); lizard (poisonous); and, weasel and marten (family).

Antenna

Any structure or device used for collecting, receiving, or transmitting electromagnetic waves including, but not limited to directional antennas, microwave dishes, satellite dishes; omni-directional antennas, whip antennas; and other devices of a similar character or use.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Apartment Building (Multiple-Family Building)

A building containing a suite of rooms, each room including a bathroom and kitchen or kitchenette and arranged and intended for an independent place of residence.

Apiary

The assembly of one or more colonies of bees at a single location.

Appeal

A request or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance as provided for by Act 110 of the Michigan Public Acts of 2006, as amended.

Applicant

The property owner, or a person acting with the written and signed authorization of the property owner, to make application for an act provided for under this Ordinance such as an application for site plan review, rezoning, and variance requests.

Architectural Feature

That feature of a building generally described as a window, door, cornice, eave, gutter, sill, lintel, bay window, chimney, or other element of building design intended to be functional, and any ornamentation associated therewith.

Assisted Living

Assisted living means a dwelling unit where the furnishing of medical care, nursing, housekeeping, personal care and/or meals is available to the occupants.

Assisted Living Facility

A residential care facility for the transitional residency of people needing supportive care and services in an assisted living environment.

Automobile Service Establishment – Minor and Major Repair Services

Minor Services

An establishment or business which provides as its use incidental or limited vehicle servicing and repairs such as oil changes, tire changing, wheel alignments, sparkplug replacement, detailing, engine tune-ups, brake service, electrical repair and servicing, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement, but not including repair or servicing defined as Major Services.

Major Services

An establishment or business which provides as its use heavy, significant, or substantial vehicle repair such as engine or transmission work or refurbishment, vehicle undercoating, rear end repairs, body repair and collision work, painting, tire recapping and auto dismantling operations.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Automobile Service Station – See Fueling Station for Light Vehicles

B Definitions

Bar (Lounge or Pub)

A commercial establishment in which the sole or primary activity is the on-site sale and consumption of alcoholic beverages. Secondary activities include the preparation and sale of food for on-site consumption. Subordinate activities may, with the consent of the City Council as required by the Liquor Control Act, include provisions for a live band or singer, recorded music, video presentations, dance floor, or similar activities.

Basement (Cellar)

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast Establishment

A private residence that offers sleeping accommodations, breakfast, and access to bathing and lavatory facilities in return for payment to transient tenants such as tourists, which is on the same premises as the innkeeper's residence. Such use is distinguished from a boarding house, rooming house, hotel, or motel, or other short-term rentals.

Bedroom

A room in a dwelling unit used, or intended to be used, for sleeping purposes by human beings.

Benefit, Recognizable and Substantial

A clearly demonstrated advantage, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of a proposed development and use(s); including, without limitation long-term protection and/or preservation of natural resources and natural features and/or important historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; or, reducing to a significant extent the nonconformity of a nonconforming use or structure.

Berm

A smooth earthen mound, natural in contour of defined height, location and appearance and improved with landscaping designed to serve as an attractive visual and/or audible screening feature.

Bicycle Parking Facility

An area devoted to bicycle parking spaces and related maneuvering lanes.

Bicycle Parking Space

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

An area meeting the parking space depth and width requirements of this Ordinance adjacent to a bicycle rack that allows for the parking and locking of a bicycle to the rack in a secure manner.

Billboard

A billboard is a large outdoor advertising structure, commonly referred to as a highway sign, typically found in high-traffic areas such as alongside major roadways, business routes, and building walls. Billboards present large, highly visible, advertisements and notices to passing pedestrians and drivers. Billboards are commonly used to inform and/or advertise businesses, products, and services not located on the premises of said billboards.

Block

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream, or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the city.

Board of Appeals – See Zoning Board of Appeals (ZBA)

Boarding House – See Rooming House

Boat Lot

A small water-oriented parcel traditionally related by legal description and/or ownership to an adjoining (parent) parcel, but physically separated from the parent parcel by a public or private street or street right-of-way. Boat lots are used by the residents of the parent parcel for access to the adjoining body of water.

Breezeway

A covered structure attached to and connecting an accessory building, typically a garage, with the principal building. A breezeway may be unenclosed or enclosed. For purposes of determining yard requirements, the connected structure shall be considered an integral unit of the principal building.

Brewpub

An eating or drinking place which includes the brewing of beer as an accessory use for sale at the same premises of not more than two thousand (2,000) barrels per year. (A barrel is equivalent to thirty-one [31] U.S. gallons.) Notwithstanding more restrictive provisions of this Ordinance, accessory uses may occupy up to fifty (50) percent of the gross floor area of the brewpub. The sale of alcoholic liquor by a brewpub other than produced by the brewpub is permitted, provided the appropriate license is obtained pursuant to the Michigan Liquor Control Act, as amended, MCL 435.1, et seq.; MSA 18.971, et seq.

Brownfield

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

A brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated or compromised by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Buffer Strip (Buffer Zone)

A strip of land required between certain zoning districts or land uses reserved for plant material, berms, walls, fencing or combinations thereof to serve as a transition area or barrier between zoning districts or land uses. Buffer zones are employed to help mitigate negative impacts between zoning districts or land uses involving, but not limited to, noise, excessive glare, surface water drainage, snow storage, fugitive dust emissions, visual concerns, trespass, pedestrian and vehicular safety, and property values. Buffer strips are also employed to enhance the visual and aesthetic quality of specific developments and the subject neighborhood and city through placement of landscape, maintenance of view corridors, preservation of light and air, and similar factors which result in an improved quality of life and protection of property values.

Buffer Zone – See Buffer Strip

Building

Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, sheds, garages, greenhouses, accessory buildings, or vehicles situated on private property and used for purposes of a building. When a building is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum requirements for side yards as hereinafter provided. Pursuant to this definition, all buildings shall meet the requirements of this Ordinance and appropriate building and health codes based on the use of the building.

Building Envelope

The integrated elements of a building which separate its interior from the outdoor environment including the primary structure and any attached structures.

Building Height

The vertical distance measured from the established grade to the highest point of the roof surface of a flat roof, to the deck of mansard roofs, and to the mean height level between the eaves and ridge of gable, hip, studio and gambrel roofs. For "A" frame structures the roof height is measured to a line one-quarter of overall height as measured down from the top of the ridge of the roof.

Building Inspector

The duly appointed Building Inspector of the city of Cadillac, or his/her authorized representative.

Building Line (Setback Line)

A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Building, Main (Principal Building)

A building in which the principal or main use of the lot on which it is situated occurs.

Building Permit for Zoning Compliance (Certificate of Zoning Compliance)

A document signed by the Zoning Administrator, or his or her representative, as a condition precedent to the commencement of a use or the construction and/or reconstruction of a structure or building which acknowledges that the use, structure, or building complies with the provisions of this Ordinance. In lieu of a separate instrument, and at the discretion of the City, a Building Permit for Zoning Compliance may be combined as part of a bona fide building permit.

Building Site for a Site Condominium

Shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the equivalent of "lot" as used in connection with a project developed under the Land Division Act 288 of the Public Acts of 1967, as amended.

Business Center (Shopping Center)

A development with two or more attached or detached businesses, on one or more lots, designed as a unit with identifiable boundaries, and served by common features such as shared access and/or parking facilities and signs. Configuration and design shall include such features as identification by a single name or consistent architectural style and/or the appearance or public impression that the center acts as a single facility. This definition includes the term shopping center.

Business District

Land that is zoned for commercial use. A business district can be located linearly along streets, highways and major thoroughfares, or a business district can be a contiguous group of parcels, such as a central business district, shopping district, etc. Business districts may possess a range or mix of land uses or may be oriented to specific land use types.

Business Incubator

An organization or place that aids the development of new business ventures by providing assistance such as low-cost commercial space, management and technical support, shared services, equity and debt financing, employee hiring and training, and other such services.

C – Definitions

Canopy Deciduous Tree

A woody plant, commonly used for shading purposes, with an erect perennial trunk and definite crown of foliage which at maturity is normally over thirty (30) feet in height and twenty (20) feet in crown width. The foliage of deciduous trees sheds seasonally or at certain stages of development.

Central Business District (CBD)

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Commonly referred to as the downtown, this is a densely concentrated walkable commercial area possessing a high intensity of businesses, financial institutions, shops, offices, theaters, cultural facilities, restaurants, and the like. Central business districts are frequently designed as placemaking centers and often possess hotels, residential apartments, and other living units. A central business district may also possess an internal core area or areas specifically oriented to an explicit range or type of synergistic businesses as a means of fostering a high degree of placemaking activity.

Certificate of Zoning Compliance - See Building Permit for Zoning Compliance

Child Care Center – See Day Care Center

Church (Place of Worship)

A building used principally for religious worship. The word church shall not include or mean an undertaker's chapel or funeral building or a school providing pre-school or K through 12th grade instruction.

Clinic

Is a structure housing under one roof facilities for the medical or dental care, diagnosis, or treatment of sick, ailing, infirm and injured persons, and those in need of medical, dental, or surgical attention, and who are not kept on the premises for more than forty-eight (48) hours.

Club

A nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common or special purpose for the promulgation of military service, sports, arts, culture, sciences, literature, politics or the like but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Cluster (Cluster Development)

A collection of businesses, offices, firms, healthcare facilities and other such uses in the same or nearby area to foster interaction as a means of strengthening each other and enhancing the community's competitive advantage. Residential uses may also be developed in clustered fashion. Planned unit developments are commonly referred to as cluster developments.

Commercial Trailer

A vehicle without motor or engine power designed to be drawn by a motor vehicle and constructed or used for the transportation of goods, wares, or merchandise.

Commercial Use

A business use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises for economic gain. Residential sales including garage, basement, moving, or estate sales shall be deemed a commercial use if they are conducted for more than six calendar days during a given

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

one year period. Commercial use shall not include a public recreational use even though a fee may be charged for the use or donation requested.

Commercial Vehicle

A motor vehicle constructed for the conveyance of goods or merchandise, or the conveyance of materials used in any trade, business, industry, or work. A vehicle used for the transport of people for which remuneration for said transport is received, such as a taxi or Uber service, shall be considered a commercial vehicle.

Commercial Wireless Telecommunication Services

Licensed commercial telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the public.

Commission (Planning Commission)

The city of Cadillac Planning Commission, also referred to as the Commission, duly created under Act 33 of the Public Acts of 2008, as amended. By official action of the City Council of the city of Cadillac, the powers and duties of the Zoning Board/Commission, as delineated under Act 110 of the Michigan Public Acts of 2006, as amended, have been transferred to the Planning Commission.

Common Land

A parcel or parcels of land with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision, condominium, planned unit development, or similar land development arrangement.

Common Open Space

An unoccupied area within a development which is reserved primarily for the leisure and recreational use and/or aesthetic pleasure of all the development's residents, owners, and occupants, and generally owned and maintained in common by them, often through a homeowner or similar association.

Communication Tower (Broadcast Tower, Single-Use Tower, and Multi-User Tower)

A public or private ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, broadcast device, or similar apparatus above grade. A communication tower may or may not be regulated by the Federal Communications Commission (FCC). A Single-User Tower is a tower to which are affixed only the antennas of a single user, although the tower may be designed to accommodate the antennas and/or devices of multiple users as required by this Ordinance. A Multi-User Tower is a tower to which are affixed the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

Communication Tower Building

A building accessory to a communication tower and used to house equipment necessary for the operation of the tower and associated antenna or other device.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Community Impact Statement

Is an assessment of the developmental, ecological, social, economic, and physical impacts of a project on the natural environment and physical improvements on and surrounding a development site and neighboring area.

Conditions (Attached to Property)

Any development or improvement order or requirement related or applicable to all or any portion of the development and/or use of land as provided for by this Ordinance.

Condominiums Definitions

Condominium Act

Michigan Public Act 59 of 1978, as amended.

General Common Element

The common elements other than the limited common elements. General common elements include the condominium land and features designated for the use of all condominium owners.

Limited Common Element

A portion of the common elements reserved in the master deed for the exclusive use of less than all of the condominium owners.

Master Deed (See also Consolidating Master Deed)

The condominium document recording the condominium project as approved by the City Council to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Condominium Subdivision Plan

The site, survey, and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act and this Ordinance.

Condominium Unit

That portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium Unit Site

The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term condominium unit site shall be equivalent to the term lot for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

Consignment Store

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

A store that sells previously owned items, clothing, household goods, antiques, and sundry items on behalf of the original owner who receives a percentage or portion of the selling price. Consignment stores shall not include pawn shops or the retailing of junk, salvage goods, or goods and materials in need of repair.

Construction

The building, erection, alteration, repair, renovation, demolition, or removal of any building, structure, or structural foundation; or the physical excavation, filling, and grading of any lot other than normal maintenance.

Convalescent Home (Nursing Home)

A home for the care of the aged, infirm, or a place of rest for those suffering serious bodily disorders necessitating twenty-four (24) hour care, wherein three (3) or more persons are cared for. The home shall also conform to, and qualify for license under, applicable state law (Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948).

Convenience Store

A convenience stores is a small retail business that stocks a limited range of household goods, groceries, and other everyday items such as coffee, groceries, snack foods, confectioneries, soft drinks, ice cream, tobacco products, lottery tickets, over the counter drugs, toiletries, newspapers, and magazines.

Convenience stores may or may not be licensed to sell alcoholic drinks.

Corner Clearance

The triangular area created by the intersection of two roadways established by drawing a line of a specified distance from the intersection of the two roadway right-of-way lines in each direction along the right-of-way lines and then connecting the two end points to form the third side or hypotenuse of the triangle. The hypotenuse is then extended to intersect the curb on each roadway. Corner clearance is commonly referred to as a clear vision zone.

Council

The City Council of the city of Cadillac.

Cul-De-Sac

A dead-end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street allowing for vehicle turnaround.

Court

An open, unoccupied space, other than a yard, and bounded on at least two (2) sides by a building. A court extending to a front yard or a front lot line, or to the rear lot or rear lot line, or to an exterior street side yard or exterior street side lot line is an outer court. Any other court is an inner court.

Crematory (Crematorium) - Humans

A place where a deceased person's body is cremated (burned to ashes) and repackaged in an urn or other vessel, commonly after a funeral ceremony.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Crematory (Crematorium) - Pets

A place where deceased animals, customarily referred to as pets, are cremated (burned to ashes) and commonly repackaged in an urn or other vessel.

Curb Level

The grade elevation of the curb in front of the center of a building, or proposed building, or the elevation of the traveled street in the event no curb exists.

D - Definitions

Day Care Center (Child Care Center)

A facility, other than a private residence, receiving one (1) or more minor children who are given care and supervision for the time period set forth in this Ordinance, unattended by a parent or legal guardian. Overnight care shall not be provided. The facility is generally described as a day care center, childcare center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. Day Care Center does not include: a) Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than four (4) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period nor a facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services. b) A commercial enterprise wherein temporary childcare is provided on-site for the children of the parents or guardians who are conducting business within the confines of the commercial enterprise coincident with the period of childcare. c) A place of employment wherein temporary childcare is provided for the children of the parents or guardians who are working for the place of employment coincident with the hours of employment for those parents or guardians. The above definitions do not preclude compliance of childcare operations with other applicable local, state, and federal regulations.

Day Care Home, Family – Check the # of allowable children.

An occupied single-family dwelling in which one (1) but not more than six (6) children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-family dwelling.

Day Care Home, Group - Check the # of allowable children. An occupied single-family dwelling in which seven (7) but not more than twelve (12) children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children and/or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-family dwelling.

Deceleration Lane

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Decibel

A unit of measurement used to express the magnitude of sound pressure or sound intensity.

Deed Restriction – See Restrictive Covenant

Density - See also Net Site Area

The total number of dwelling units placed on an acre of net site area.

Department

The city of Cadillac Community Development Department.

Department Store

A retail store which offers a variety of goods and services, which is organized into multiple subsidiary departments such as kitchenware, housewares, linens and home furnishings, clothing, shoes, and other merchandising items.

Detention Facility

A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle or to a municipal storm drainage system.

Development

Any man-made change to improved or unimproved real estate including, but not limited to, the construction of a new building or other structure on a zoning lot, the reconstruction or relocation of an existing building on a zoning lot, the use of open land for a new use, mining, dredging, filling, grading, paving, excavation, drilling operations or other such uses.

District

A portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. District is also commonly referred to as a zone district.

Drainageways and Streams

Existing permanent or intermittent water courses.

Drive-Through

A business establishment for the dispensing of food and beverages or for conducting other business operations so designed that its retail or service character provides an exterior service area, device, and/or window for use by and service to patrons while in their vehicle.

Driveway

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

An improved public or private passageway providing vehicular ingress to, and vehicular egress from, a public or private road or alley to or from a lot, parcel, or building on abutting grounds.

Driveway Approach

That portion of a driveway located between the road right-of-way line and the travel portion of the roadway.

Dwelling, Duplex

A building, or a portion thereof, designed exclusively for use and occupancy by two families living independently of each other.

Dwelling, Multiple-Family

A building, or a portion thereof, designed exclusively for use and occupancy by three (3) or more families living independently of each other. Multiple-family complexes may include onsite laundry, fitness, and recreation facilities for common use by the residents of a multiple-family complex.

Dwelling, Premanufactured (Manufactured Home and Manufactured Housing Unit)

A mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term residential use and is wholly or substantially constructed in a controlled environment at an off-site location, transported to a site, and erected. Premanufactured homes built after 1976 shall meet the Federal Department of Housing and Urban Development Building Code Standards.

Dwelling, Single-Family

A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

Dwelling, Site Built

A residential living unit or units which are substantially built, constructed, assembled, and finished on the lot which is intended to serve as its final location. Dwellings shall include residential living units constructed of precut materials, panelized walls, and roof and floor sections when such sections require substantial assembly and finishing on the lot which is intended to serve as its final location. A dwelling unit constructed within a factory as a single unit or in various sized modules or components which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a dwelling unit and meeting all codes and regulations applicable to conventional single-family home construction shall be considered site built.

Dwelling, Townhouse (Row Housing and Garden Apartments)

A series of three (3) or more attached dwelling units sharing a common wall and designed in row (linear) fashion with all units having a ground floor location and no units above or below. Each unit is designed with an individual entry for exclusive use and occupancy by a household or family living independently of each other. The dwelling units within townhouses may function as apartments and/or as owner-occupied units.

Dwelling Unit

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one (1) family, with no ingress or egress through any other dwelling unit except for an approved internal accessory dwelling units as provided for by this Ordinance. In no case shall a recreational vehicle, trailer coach, automobile chassis, tent or portable building be considered a dwelling unit. In cases of mixed occupancy where a building is used in part as a dwelling unit, the part so used shall be deemed a dwelling unit for purposes of this Ordinance and shall comply with the provisions thereof relative to dwellings.

Dwelling Unit, Attached

A dwelling unit attached to one or more dwelling units by common major structural elements or features such as a wall, garage, carport, breezeway, deck, or like feature.

Dwelling Unit, Detached

A free-standing dwelling unit which has no structural attachment to any other dwelling unit.

E - Definitions

Earth Berm - See Berm

Easement

A quantity of land set aside over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, or a particular person or persons or part of the public for a specific use and purpose. Based on its use and conveyance, an easement may be designated as a public or a private easement.

Efficiency Apartment (Efficiency Unit)

Is an attached residential living unit consisting of one (1) room that offers integrated kitchen, dining, and sleeping areas and a separate bathroom or access to necessary sanitary facilities.

Effective Date

Shall mean the date of the final approval of an action authorized by this Ordinance.

Elder Care Assisted Housing (Housing for the Elderly) - See also Convalescent Home and Nursing Home

A residential facility that provides room, board and supervised care to unrelated, non-transient individuals sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. The facility shall be licensed as a Home for the Aged by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15 (20101)), as amended. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Engineer (City Engineer)

An individual who has fulfilled the education and experience requirements of the State of Michigan under state licensure laws (Article 20 of Public Act 299 of 1980), administered by the office of Licensing and Regulatory Affairs, to offer professional engineering services to the public. As defined by Article 20, professional engineering as professional services includes consultation, investigation, evaluation, planning, design or review of material and completed phases of work in construction, alteration or repair in connection with a public or private utility, structure, building, machine, equipment, process, work or project when the professional service requires the application of engineering principles or data. As the city determines appropriate or necessary, the City Engineer may be a Professional Engineer hired as a city employee, a Professional Engineer retained as a city consultant, a firm comprised of Professional Engineers retained as consultants to the city, or any combination of the above.

Enterprise Zones

Designated geographic areas that are eligible for specific treatment and possible incentives to attract private investment.

Entrance Ramp

A roadway connecting a feeder road with a limited access highway and used for access to such limited access highway.

Erected

Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage and the like shall be considered a part of the term erected.

Essential Public Services

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, or private entities under public regulation, of underground or overhead gas, electrical, steam or water transmission or distribution systems, or communication systems, including poles, wires, fiber optic systems, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, (but not including buildings and storage yards) reasonably necessary for the furnishing of adequate service by each public utility, Essential services shall not include communication towers or antennas or wind energy conversion systems.

Essential Public Service Building

A building or structure accessory to an essential public service, such as a drop-off station for residential recyclables, vehicle garage, telephone exchange building, electricity transformer station or substation, gas regulator station, and facilities of a similar nature.

Essential Public Service Storage Yard

An outdoor storage area accessory to an essential public service.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Excavation

Any breaking of ground, except common household gardening and ground care.

Exit Ramp

A roadway connecting a limited access highway with a feeder road and used for access to such feeder road.

Existing Building

A building present, or a building for which a legal building permit has been issued and the foundations are in place prior to the adoption of this Ordinance.

Existing Use

The use of land, the use of waters adjacent to land, and the use of buildings and structures existing prior to the adoption of this Ordinance, or for which use approval has been granted according to the provisions of this Ordinance.

F - Definitions

Family

An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character and who are cooking and living as a single, non-profit, housekeeping unit. This definition shall not include a penal institution, halfway house, correctional facility, society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term, jail or prison term, or terms of other similar determinable period.

Farm – See also Agriculture

A parcel on which the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income is conducted pursuant to the Right to Farm Act (Michigan PA 93 of 1981, as amended). A farm shall not include a kennel.

Fence

An accessory structure such as wooden posts, wire, iron, masonry, brick, and/or stone intended for use as a barrier to property ingress or egress, a boundary, a screen to block views or noise; a screen serving to separate incompatible uses; a screen to provide a barrier or buffer between uses; a screen for decorative use; a means of protection, privacy screening or confinement, or similar purposes. A fence shall also include any associated gate. Pursuant to this definition, a fence shall not include hedges, shrubs, trees, or other natural growth.

Filling

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care. Filling shall not constitute a hazard to the receiving soils or groundwater.

Financial Services

Banks, savings and loan institutions, credit unions, brokerage houses, and similar financial establishments.

Fiscal Impact

The direct, current, and public costs and revenues accruing to a local jurisdiction as a result of the development of land.

Floodplain

The areas of land which include both a floodway and a floodway fringe.

Floodway

The area of water conveyance of the flowing portion of a water course during a one hundred (100) year flood.

Floodway Fringe

The area of ponded water which provides no water carrying or flowing capability during a one hundred (100) year flood.

Flood Hazard Area

Land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM)

An official map of the city of Cadillac on which the Federal Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the flood risk premium zones applicable to the city.

Flood Insurance Study

The official report provided by the Federal Emergency Management Administration (FEMA) containing local flood profiles, the base flood water surface elevation, and may include a Flood Hazard Boundary - Floodway Map.

Floor Area, Gross

The total horizontal area of all floors of a building, measured from the exterior faces of the exterior walls.

Floor Area, Residential

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

For the purpose of computing the minimum required floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings.

Foot-Candle (One Foot Candle/See also Lumens)

Light that is equal to the amount of light generated by one (1) candle shining on a square foot surface one foot away.

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 the household under the Michigan Adoption Code are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

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 the household under the Michigan Adoption Code are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

Freeway (Limited Access Highway)

A limited access highway, such as US-131, with no at-grade crossings.

Frontage (Including Lots with Lake Frontage)

The continuous linear distance along which a parcel of land fronts on a public or private street, measured along the line where the property abuts the public street right-of-way or private road easement. In the case of a waterfront lot, the lot line on the waterfront side shall be classified as a waterside frontage and the lot line on the street side shall be classified as streetside frontage. The frontage lying along a water body shall be considered that line recorded as the high waterline.

Frontage Drive (Service Road)

A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which is directly connected to parking or is used as a maneuvering aisle within a parking area is not considered a frontage road.

Fueling Station for Light Vehicles (Gasoline Service Station/See also Plug-In Electric Vehicle Charging Station)

A place for the retail sale and dispensing of motor fuels for use by light vehicles such automobiles, sports utility vehicles, and light trucks, with the only permitted accessory uses being the servicing and minor repair of motor vehicles; auto washes; retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers; and retail sales of non-automotive related products including sundry items, convenience grocery items, pre-prepared

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

food items, and beverages. A fueling station may also include plug-in electric vehicle charging equipment designed to charge batteries within electric plug-in vehicles.

Fueling Station for Heavy Vehicles (Truck Stop)

A place for the retail sale and dispensing of motor fuels for use by heavy vehicles such as semi-trailer trucks, also commonly called eighteen-wheelers. A fueling station for heavy vehicles may also provide parking and rest areas, restrooms, restaurant facilities, retail sales of minor automotive related convenience products and accessories, and retail sales of non-automotive related products including sundries items, pre-prepared food items, and beverages. A fueling station may also include plug-in electric vehicle charging equipment designed to charge batteries within electric plug-in vehicles.

Funeral Home (Mortuary)

A building or part thereof used for human funeral services. Such building may contain space and facilities for conducting memorial services, embalming and the performance of other services used in the preparation of the deceased for burial, the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns and other related funeral supplies, and the storage of funeral vehicles. A funeral home shall not include a crematory (crematorium) unless permitted by the underlying zone district.

G - Definitions

Garage, Private

An accessory building or part of a main building designed and used primarily for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which the garage is accessory. A garage, as defined herein, shall not involve vehicle servicing for compensation.

Garage Sales - See Yard Sales

Garbage

Any decomposed, rotting, rotten, putrid, or similar organic matter including, but not limited to, animal or vegetable waste, animal or vegetable by-products in a decomposed or rotting state, or other similar organic matter and materials.

Garden Center (Nursery)

A space, building or structure, or combination thereof, for the storage of live trees, shrubs and/or plants offered for retail sale on the premises including products used for gardening or landscaping and for the seasonal retail of fruits, vegetables, and/or Christmas trees.

Gasoline Service Station - See Fueling Stations

Generally Accepted Agricultural Management Practices

Agricultural practices as defined by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (Act 93 of 1981, as amended). These practices provide uniform, statewide standards and acceptable management practices based on sound science.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Glare

The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade

The ground elevation established for the purpose of regulating the number of stories and the height of buildings.

Grade, Finished

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

Grade, Natural

The elevation of the ground surface in its natural state before construction begins.

Gradient

The rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five (25) percent.

Greenbelt (Landscape Screen)

The landscaped area along a roadway or property line on the subject property. A required greenbelt includes a landscaped area of definite width, height and location and containing plant materials of definite spacing designed and intended to serve as an obscuring device in carrying out the requirements of this Ordinance. Greenbelts are commonly used as transitional buffers between land uses, for aesthetic enhancement purposes, and to filter or block the internal views of a site, reduce off-site noise and glare, and for other such purposes.

Group Day Care Home

A private single-family home in which **more than six (6) but not more than twelve (12) minor children** are received for care and supervision unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year. Overnight care shall not be provided.

Group Shelter (Homeless Shelter)

A facility which provides temporary shelter with overnight sleeping accommodations for homeless persons, and which may also provide food, clothing, sundry supplies, and counseling and educational services to promote the basic health and well-being of homeless persons. In a women's shelter, this

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

includes a single mother with children. Group shelters are supervised at all hours that residents are present.

H - Definitions

Hedge Row

A barrier formed by a row of closely planted shrubs or bushes.

Helipad

An area on a building roof or ground surface used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging passengers or cargo. Helipads are commonly associated with healthcare facilities and are used in the transport of people needing care due to medical issues.

Heliport

An area used by helicopters or by other steep-gradient aircraft which area includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings and open spaces.

Helistop

An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo; but not including fuel service, maintenance, or overhaul.

Historic Building

A building and property listed in the state or national historic register because of its historic character, architectural style, association with a historic event or district, or landmark characteristics.

Home for the Aged

An establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age are unable to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary illness.

Home Occupation

A business use customarily conducted within a dwelling or accessory building which meets the requirements of this Ordinance. A home occupation shall be clearly incidental and secondary to the use of the dwelling or accessory building for residential purposes and shall not change the primary character thereof nor result in adverse impacts to surrounding properties.

Homeless Shelter – See Group Shelter

Hospital

A state licensed medical establishment whose facilities provide in-patient and out-patient accommodation and care, a wide range of medical and surgical care, and other in-patient, out-patient, and emergency health services for sick, ailing or injured persons; and including those related facilities as

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

examination rooms, rehabilitation facilities, laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

Hotel

A building in which transient lodging or boarding are offered to the public for compensation. The design of a hotel is typically such that patrons enter the building via a central or main lobby area and move to respective sleeping rooms without having to exit the building. A hotel may contain meeting rooms, convention facilities, restaurants, gift and specialty shops, swimming pools, exercise facilities, lounges and related uses provided these uses are clearly accessory to the hotel. A hotel may provide a complimentary breakfast to patrons as part of a room reservation but shall not be considered or construed to be a bed and breakfast establishment. Nor shall a hotel be considered or construed to be a multiple family dwelling, motel, or similar facility.

Housing for the Elderly (Senior Citizen Housing)

A planned housing development or facility for independent elderly residents, defined for purposes of this Ordinance as individuals who have attained the age of fifty (50) years or couples of which either spouse has attained the age of fifty (50) years, except as may be otherwise provided for in any applicable state or federal laws or regulations.

I - Definitions

Indoor Recreation Establishment (Privately Owned)

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee such as fitness centers, bowling alleys, billiard establishments, and racquetball and tennis clubs. Indoor recreation establishments do not include video establishments or video arcades.

Impervious (Impervious Surfaces)

Artificial structures and surfaces covered by water-resistant materials such as buildings, rooftops, pavements, sidewalks, driveways, parking lots, brick pavers, and other materials which prevent or impede the infiltration of stormwater into the soil.

Infill

Filling in the gaps between buildings with additional compatible buildings to enhance the utilization of space and synergy among nearby uses.

Inoperable Vehicle

A motor vehicle which is no longer able to propel itself, fails to comply with the laws of the State of Michigan regulating safety equipment for motor vehicles, is significantly dismantled, or is unlicensed.

Institutional Uses

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

A society or organization founded for a religious, educational, social, governmental, or similar purpose including churches, synagogues, temples, mosques, schools, hospitals, libraries, museums, governmental uses (e.g., City Hall, Police Department, Fire Department, etc.) and other similar public or semi-public uses. Institutional uses do not include nursing homes, convalescent homes, elder care facilities, adult foster care facilities, half-way houses, group shelters, or similar uses.

J - Definitions

Junk (Salvage Material)

Any worn out or discarded materials including, but not necessarily limited to, yard debris, scrap metal, scrap paper, scrap lumber, other scrap and discarded materials, and any inoperable motor vehicles, machinery, appliances, or products. Junk includes the above materials whether they are to be landfilled, recycled, sold, or used in some other way. Junk shall not include garbage.

Junk Yard

Any land or building where junk is bought and sold, exchanged, stored, baled, packed, disassembled, or handled. A junkyard includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk. Junk yard shall not include residential or municipal garden or leaf composting, a licensed municipal dump or licensed municipal landfill, or approved drop-off stations for residential recyclables.

K - Definitions

Kennel, Commercial

Any lot or premises on which three (3) or more dogs and/or cats, including any combination of the two animals, over six (6) months of age are either permanently or temporarily boarded, housed, bred, or sold for remuneration.

Keyhole

The condition in which one shoreline lot or parcel serves as a water body access point for several backlots (lots which do not abut the shoreline) or for the funneling of pedestrians and watercraft originating from locations other than the shoreline lot over which access to a water body will occur.

L - Definitions

Land Banking

A program that preserves space for future development. A city or local development authority commonly acquires and holds land until a developer steps forward with an acceptable proposal for its use.

Land Banking of Parking

An area of land which is designated by a landowner as part of a site plan for parking spaces in order to meet the minimum requirements of the Zoning Ordinance, but which the city has permitted to be

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

maintained, naturally or landscaped, as part of the owner's site plan until such time the parking is needed.

Landscaping

The treatment of the ground surface with live materials such as, but not limited to, turfgrasses, ground cover, vines, perennials, shrubs, trees, and other growing horticultural material. In addition, landscaping may include decorative surfacing such as hardwood mulch or stone, pavers, and structural elements such as fountains, pools, garden artwork, benches, and other such features.

Landscape Screen – See Greenbelt

Live-Work Units (Live-Work Space)

A unit which contains separate residential and non-residential areas intended for both residential and non-residential (business) uses concurrently. Live-work units share a common wall or floor between the separate spaces and possess direct access between the residential and non-residential areas with the non-residential use having the primary street frontage.

Loading Space

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

Local Street

A street that primarily functions to serve the abutting land uses and traffic of a specific neighborhood or residential district as opposed to primarily functioning as a through street for the movement of traffic to other locations.

Lot

A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this Ordinance for minimum area, setbacks, coverage, and open space. A lot shall be specifically designated as part of the public record.

Lot Area

The total horizontal area within the lot lines of the lot. For purposes of compliance with the minimum lot size standards of an underlying zone district, where a lot line is the centerline of a public or private street, the lot area shall not include that part which is in the public right-of-way or governed by easement.

Lot, Corner

A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one-hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one-hundred thirty-five (135) degrees.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Lot Coverage

The part or percent of the lot occupied by buildings, including accessory buildings and other impervious structures and materials.

Lot Depth

The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. For lakefront lots, lot depth shall be the horizontal distance between the waterfront lot line and the streetside lot line, measured along the median between the side lot lines.

Lot, Double Frontage – See Through Lot

Lot Frontage – See Frontage

Lot, Flag

A lot so called due to its resemblance to that of a flag (flag shape). The street frontage of a flag lot, and width, are undersized and nonconforming (this being referred to as the pole portion of the flag lot). Eventually, the width of the interior portion of the lot expands to a size which normally equals or exceeds lot width requirements (the flag portion of the lot).

Lot, Interior

Any lot other than a corner lot.

Lot Lines (See also Yard)

The lines bounding a lot or parcel as defined herein:

Front Lot Line

In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot or a corner lot, is that line separating said lot from the street which is designated as the front street in the request for a zoning compliance permit. In the case of a waterfront lot, the lot line on the waterfront side shall be classified as a waterside front lot line and the lot line on the street side shall be classified as streetside front lot line.

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 (10) feet long lying farthest from the front lot line and wholly within the lot. **Waterfront lots shall not possess a rear lot line.**

Side Lot Line

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street shall be known as the exterior side street lot line. A side lot line separating a lot from another lot or lots shall be known as an interior side lot line.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Lot, Nonconforming

A lot of record which does not meet the dimensional requirements of this Ordinance.

Lot, Through (Double Street Frontage Lot)

Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

Lot, Waterfront

A lot with one or more of its lot lines adjoining a stream, river, or lake.

Lot, Zoning

A single tract of land, located within a single block, which, at the time of filing for a building permit or for a site plan approval, 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, setbacks 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. Unless otherwise provided for by this Ordinance, the lot lines of a zoning lot shall serve as the lot lines for the purposes of establishing building setbacks within the respective zoning districts.

Lot of Record

A parcel of land, the dimensions of which are shown on a document or map on file with the Wexford County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width

The horizontal straight-line distance between the side lot lines, measured between the two points where the minimum required front setback line intersects the side lot lines. For lots fronting on a cul-de-sac, lot width shall mean the horizontal distance between side lot lines measured parallel to the apex point on the curved front lot line to the required minimum front setback line.

Lumens – See Foot Candle

A unit of measurement of the light intensity radiating in the air in all directions from a light source.

M - Definitions

Main Building (Principal Building or Structure)

A building in which is conducted the principal use of the lot upon which the building is situated.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Manufactured Housing Unit - See Dwelling, Premanufactured

A home built in a controlled environment after 1976 that meets the Federal Department of Housing and Urban Development Building Code (a single, national code).

Manufacturing

The processing of materials, resources, goods, parts, or the like into finished goods through the use of tools, human labor, machinery, and chemical processing.

Map (Zoning Map)

The official Zoning Map of the city of Cadillac.

Market Study

A proactive analysis of demand for a product or service. A market study looks at the factors involved in the market that influence the demand (consumption, need, usage rates, etc.) for that product or service.

Massage

The rubbing or kneading of body parts, usually with the hands, in order to stimulate circulation and make muscles or joints supple and/or to relieve tension. Massage shall not include any touching or other stimulation of male or female genitals or female breasts. Massage does not preclude necessary medical treatments performed on any part of the human body if carried out by, or under the direction of, medical practitioners including physicians, chiropractors, and associated medical professionals licensed by the State of Michigan.

Massage Clinic (Not to include Adult Massage Parlor)

An establishment where massage services are provided by a licensed medical practitioner including physicians, chiropractors, or persons under the direction of a licensed medical practitioner, and massage therapists who are certified members of the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards.

Master Plan

The comprehensive community plan adopted by the Cadillac Planning Commission and Cadillac City Council including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the city, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. The Master Plan shall serve as the basis of the Cadillac Zoning Ordinance and Zone District Map.

Medical Clinic

An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, chiropractors, or similar health professionals on an out-patient basis. A medical clinic may incorporate customary laboratories and pharmacies necessary or incidental to its operation.

Mezzanine

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Microbrewery or Microbrewer

A brewery/brewer that produces less than twenty thousand (20,000) barrels of ale/beer per year, and less than ten thousand (10,000) barrels of alcoholic liquors, other than ale/beer, per year, for on-site consumption and retail and wholesale distribution as allowed by state law. (A barrel is equivalent to thirty-one (31) U.S. gallons). For purposes of this Ordinance a microbrewery or microbrewer is restricted to the above production limits, irrespective of less restrictive limits imposed by state law, unless the microbrewery or microbrewer is located in a zone district providing for increased production.

Mini-Lube - See Oil Change Establishment

Mini-Warehouse (Self Storage Warehouse)

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the in-door storage of a customer's non-hazardous goods or wares. A mini-warehouse development shall not include outdoor storage unless otherwise provided for by this Ordinance.

Mixed-Use Building

A single structure containing two (2) or more principal uses, such as retail and multi-family or retail and office, with said uses physically attached either vertically or horizontally.

Mixed-Use Development

Development that blends residential, commercial, cultural, institutional, entertainment, and/or other uses into one space, where those functions are physically and functionally integrated with coordinated design, access and circulation, landscape and streetscape amenities, pedestrian connections, and similar unifying features.

Mobile Home

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle or motor home. For purposes of this Ordinance, those structures which are called variously modular or prefabricated, and are preconstructed in some other location and transported to the housing site but are built under the standards of a national building code, referred to in the Michigan State Construction Code, under Act 230 of the P.A. of 1972, are not included in this definition of mobile home. Such modular and prefabricated housing, however, shall meet the general housing standards of this Ordinance and other applicable city codes and ordinances.

Mobile Home Park (Manufactured Home Park)

A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, nonrecreational, basis and which is offered to the public for that purpose

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

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.

Mobile Home Subdivision (Manufactured Home Subdivision)

A platted residential development consisting of mobile homes located on individual, separately owned, lots.

Mortuary – See Funeral Home

Motel (Motor Court)

A series of attached, semi-detached, or detached rental units each containing a bedroom, bathroom, and closet space in which transient, overnight, lodging or boarding are offered to the public for compensation. The design of a motel is oriented to the public traveling by motor vehicle with individual sleeping rooms commonly exiting directly to the outside with patron parking located at or near each room exit. A motel may contain restaurants, gift and specialty shops, and lounges as uses accessory to the motel.

Motor Freight Terminal

A facility consisting of a terminal warehouse with truck wells, loading docks and offices utilized as a shipping point or temporary storage point for the primary business of shipping goods or products for businesses and the general public, which requires the parking of semi tractors and trailers for indefinite periods. A motor freight terminal may include ancillary facilities such as a repair garage, body shop and wash bays.

Motor Home

A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy at locations designed to accommodate their use such as campgrounds, motor home parks, and the like.

Multi-Tenant House – See Rooming House

Municipality

The city of Cadillac, Michigan.

Municipal Civil Infraction

A violation of a provision of this Zoning Ordinance for which the remedy and/ or penalty is prescribed to be a civil fine or other sanction other than a criminal penalty.

Municipal Park (Public Park)

A park owned and/or operated by the city of Cadillac or other governmental entity.

N - Definitions

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Natural Features

Land or water features which are not man-made such as soils, wetlands, floodplains, water bodies, topography, vegetative cover, geologic formations, and other environmental elements.

Nature Preserve

A tract of land protected and managed to preserve its flora, fauna, and natural features. A nature preserve may include ancillary uses and structures such as parking areas, restrooms, trails, boardwalks, and interpretative areas as provided for by this Ordinance.

Nonconforming Building (Nonconforming Structure)

A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

Non-Conforming Lot of Record (Substandard Lot)

A lot lawfully existing at the time this Ordinance, or amendments thereto, became effective and which fails to meet the minimum area requirements of the zoning district in which it is located.

Nonconforming Use

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

Nuisance Factors

An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of an activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, and like factors.

Nuisance Per Se

Any violation of this Ordinance, including any use of land, dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, raised, or converted in violation of this Ordinance, and shall also include violations of any regulatory measures or permit approvals (including conditions thereon) adopted or granted by any board or commission or the City Council.

Nursery – See Garden Center

O – Definitions

Occupancy Load

The number of individuals who may safely occupy a building or structure based on the Building Code Standards of the city of Cadillac.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Occupied

Includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.

Offset (Driveways and Streets)

The distance between the centerline of driveways or streets designed or placed across from one another.

Off-Street Parking Lot – See also Parking Structure

A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering to provide safe and efficient access for entrance and exit for the parking of more than three (3) vehicles, provided, however, a driveway serving a single-family detached dwelling or duplex which is capable of holding more than three (3) vehicles shall not be considered an off-street parking lot. An off-street parking lot may be confined to ground level or may include underground or above ground parking facilities.

Oil Change Establishment, Mini-Lube

An establishment or business which provides as its primary use the lubrication and/or checking, changing and/or additions of those fluids and filters necessary for the regular maintenance of a vehicle, and exclusive of other minor or major automobile repair or service as defined in this Ordinance. It is intended that these services be provided over a relatively short duration, often while customers wait, generally within a timeframe of thirty (30) minutes or less.

Open Air Business

A retail sales establishment operated substantially in the open air (out of doors).

Open Front Store

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term Open Front Store shall not include automobile service or repair establishments, oil change or mini-lube facilities or fueling stations.

Open Space

A public or private area of land that remains primarily undeveloped and in its natural state and intended for passive recreational pursuits, buffering of uses, wildlife habitat, storm water management, and uses of a similar nature. An open space may be designed and landscaped as permitted or required by this Ordinance.

Ordinary High-Water Mark

The line between upland and bottom land 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 markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Outdoor Furnace (Outdoor Boiler)

Any equipment, device or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior or outdoor space or water source.

Outdoor Recreation Establishment (Operated as a Business)

A privately owned facility designed and equipped for the conduct of sports, amusement, or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public and/or through membership, including guests thereof. Outdoor recreational activities include, but are not necessarily limited to, tennis courts, golf courses, miniature golf courses, golf driving ranges, marinas, and children's amusement parks. A user fee may or may not be charged.

Outlot

A plot of undeveloped land designated by a developer on a plat for future construction or noted for its unsuitability to be designated a full lot and unsuitable for development.

Overlay Zoning Districts (Overlay Zone)

Special purpose zoning districts superimposed over existing conventional zoning districts and providing supplementary development regulations of the underlying districts.

P – Definitions

Park

A public area either in a natural state customarily used for passive recreational purposes (hiking, nature photography, etc.) or so developed such that it may have within its confines monuments, structures or improvements such as playfields, playgrounds, soccer fields, courts or swimming pools, and which is utilized for outdoor recreation. A public park shall be within the jurisdiction and control of a governmental agency.

Parking

The parking (placement) of a vehicle for a specified duration, and possessing the element of a vehicle in use, being temporarily parked, until it is to again be put into service.

Parking Lot – See Off-Street Parking Lot and Parking Structure

Parking Space

A designated stall, open or enclosed, of definite length and width, for the parking of permitted vehicles. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible.

Parking Structure

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

A multi-level building (at, above or below grade), the use of which requires location on the ground or attachment to something having location on the ground, the primary purpose of which shall be the parking of vehicles for short duration, and possessing the element of a vehicle in use, being temporarily parked until it is to be again put into service, which structure contains loading spaces, parking spaces, and maneuvering lanes. A parking structure may possess commercial uses at ground level.

Parapet Wall

An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Parcel

A lot described by metes and bounds or described in a recorded plat.

Patio

A level-surfaced area intended for outdoor living and recreation which is constructed of brick, concrete, masonry material, flagstone, loose stones, slate, tiles, pavers, or similar materials, or a combination of these materials, which is installed at grade and uncovered by a roof and unenclosed by walls.

Pet

A domesticated animal kept, other than for commercial use, as a companion, for protection, show or play.

Pet Boarding and Training Facility - See Kennel

A facility for the daily observation and care of dogs, cats, or other household pets, but not including farm animals or livestock, which may provide services such as grooming and training. The facility may be operated for profit and may offer overnight stays.

Placemaking

Strengthening the connection between people and the places they share by facilitating the creative patterns of use among places, paying particular attention to the physical, cultural, and social identities that define a place and support its ongoing evolution.

Place of Worship – See Church

Planned Commercial Center

A business development consisting of two (2) or more retail commercial outlets characterized by a unified grouping of stores under common architecture and served by a common circulation and parking system.

Planned Unit Development

A specific parcel of land or several contiguous parcels of land, under single ownership or option for ownership and control, for which a comprehensive coordinated physical plan has been developed establishing a functional use area or areas, density patterns where applicable, a fixed system of streets,

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

marginal access drives where required, service drives, provisions for public utilities, drainage and other essential services all of which shall be subject to review and approval by the Planning Commission and the City Council (as required by this Ordinance) and which has been, or will be, developed in full accordance with the approved plan. A planned unit development may contain a single type of use or mix of uses if provided for by the underlying zone district.

Planned Rezoning Overlay (PRO) Agreement

A written agreement approved and executed by the city and property owner, incorporating a PRO Site Development Plan, and setting forth Planned Rezoning Overlay Conditions, conditions imposed pursuant to MCL 125.3504, and any other terms mutually agreed upon by the parties relative to land for which the city has approved a rezoning with a Planned Rezoning Overlay.

Planning Commission – See Commission

Plat

A map of a subdivision of land.

Plug-In Electric Vehicle (PEV)

Any vehicle licensed and registered for operation on public and private highways, roads, and streets, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Includes an all-electric vehicle (EV) and a plug-in hybrid electric vehicle (PHEV)

Plug-In Electric Vehicle (PEV) Charging Station - See Fueling Station

A public or private electrical component assembly or group of assemblies designated specifically to charge batteries within electric plug-in electric vehicles. Also known as electric vehicle supply equipment (EVSE).

Principal Building or Structure – See Main Building

Principal Use

The main use to which the premises are devoted and the primary purpose for which the premises exist.

Principal Use Permitted

A use permitted in a zoning district by right.

Privacy Screen

A sight-obscuring fence or similar feature erected adjacent to or around a selected use or area, such as a patio, deck, courtyard, or swimming pool, designed to screen the area behind it from observation by persons outside its perimeter.

Private Club – See Club

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Private Street

Any street, road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties. A private street shall meet the design, construction and maintenance standards of the city of Cadillac.

Professional Services

Businesses which serve as offices for professional, executive, administrative, and medical uses, including, for example, the offices of architects, engineers, accountants, planners, insurance agents, doctors, and dentists, and government and financial institutions.

Public Bicycle Route

A signed bicycle route, a bicycle lane on a public street, a pathway designed to accommodate bicycles, or in the absence of any of those, the closest public street adjacent to a use that may be lawfully used by a bicyclist travelling to or from that use.

Public Open Space – See Open Space

Public Park – See Park

Public Parking Area

An open area, other than a street or other public way, used for the parking of automobiles, passenger vans, and light trucks (pick-up trucks) for public use whether for a fee, free, or as an accommodation for clients, customers, or general parking needs.

Public Street

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

Public Utility

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or city regulations to the public: gas, steam, electricity, sewage disposal, communication, digital services, telegraph, cable, transportation or water. Commercial wireless telecommunication service facilities shall not be considered public utility uses and are defined separately.

Q – Definitions

Qualified Residential Treatment Program as a Residential Use

A qualified residential treatment program is one that is a trauma informed treatment model, has nurses or licensed clinical staff 24/7, integrates families into treatment, provides after care services for up to six (6) months, and is accredited. This use does not include a detention facility, forestry camp, training school, or other facility used to primary detain minor children found to be delinquent. Refer also to Section 1 of 1973 PA 116, MCL 722.111.

Queuing, Vehicular – See Stacking

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

R- Definitions

Radioactive Materials

Materials defined as radioactive under Michigan Department of Natural Resources; Michigan Department of Environment, Great Lakes, and Energy Quality; or the United States Environmental Protection Agency regulations for transportation of radioactive materials or under Wexford County Health Department regulations, whichever is determined to be applicable.

Recreational Equipment and Trailers

Any travel trailer, camp trailer, camper, folding tent trailer, utility trailer, boat, boat trailer, float and raft, including transportation equipment and off-road vehicles, snowmobiles, manufactured motorized home, manufactured motor bus, and other devices and equipment of a similar character or use.

Recreational Facility

Land, arenas, structures, and other accommodations utilized for athletic or sporting activities, games or similar physical activities or diversions.

Recreational Vehicle

A vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, travel trailers, boats, snowmobiles, off-road and all-terrain vehicles, and similar vehicles or trailers. The term recreational vehicle shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Redevelopment Ready Community

Refers to a certification gained by the city with the assistance of the Michigan Economic Development Corporation (MEDC) that fosters a development ready and competitive environment through the engagement of stakeholders with the goal of creating a city that is attractive for projects that create places where people want to live, work, and play. Cadillac is a Redevelopment Ready Community.

Refuse Bin (Dumpster, Trash Receptacle)

A receptacle which temporarily receives and holds refuse for ultimate disposal either by unloading into the body or loading hopper of a refuse collection vehicle or by other means.

Regional (Commercial) Center

A commercial complex located within a zone district providing for general merchandise, apparel, furniture and home furnishings in depth and variety as well as a range of services and recreational facilities built around one or two full line department stores of not less than one-hundred thousand (100,000) square feet and containing not less than two-hundred thousand (200,000) square feet of gross leasable floor area overall.

Restaurant, Drive-In (Drive-Through and Fast Food)

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

A business establishment designed to provide a motor vehicle driveway approach, standing space, or parking space where patrons receive food and beverages while in motor vehicles for consumption on or off the premises. A drive-in restaurant may or may not possess facilities for the indoor seating of patrons and the consumption of food.

Restaurant, Sit-Down

A business establishment in which a patron purchases food or beverages on the premises and which is thereafter served and consumed by the patron while seated in the restaurant. A sit-down restaurant possessing drive-in facilities shall be considered a drive-in restaurant for purposes of compliance with the standards of this Ordinance.

Restrictive Covenant (Deed Restriction)

A legal and written agreement between private landowners themselves and/or the city to restrict and limit certain uses within a subdivision or platted properties or metes and bounds parcels. Sometimes referred to as deed restrictions.

Retail Business Service Use

Personal service establishments which perform services on the premises, such as, but not limited to barber shops, beauty shops, hair salons, copy centers, florist shops, locksmiths, home furnishings, photo finishing services, stationers, and shoe repair shops.

Retail Business Use (Retail Store)

Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to, bakeries whose products are sold only at retail on premises, bookstores, newsstands, drug stores, dry cleaning/laundry outlets dealing directly with consumers, food stores, jewelry stores, furniture stores, clothing stores, toy stores, photography studios, art stores, music studios, dancing studios, and sporting goods stores.

Right-of-Way

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way. The area of a delineated right-of-way may or may not be fully developed with facilities used for the passage of persons or vehicles. A right-of-way may possess underground or above ground public utilities and facilities as permitted by the city or applicable public agency.

Right-to-Farm Act (Michigan Public Act 93 of 1981, as amended)

The Michigan Right to Farm Act (RTFA) is a state law designed to protect farmers against civil nuisance lawsuits for the sights, sounds, and smells that agricultural land use involves. It also limits local cities and municipalities from passing certain local ordinances limiting covered farming activities.

Rooming House

A rooming house, also called a multi-tenant house or boarding house, is an owner-occupied dwelling with furnished habitable rooms rented for compensation to individuals, other than members of the owner's family, for consecutive periods of thirty (30) days or more, in which the tenants share bathroom

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

and kitchen facilities. Rooming houses reflect a living arrangement rather than a specially built form of housing. Rooming houses do not include a hotel, motel, or apartment dwelling.

S- Definitions

Salvage – See Junk

Salvage Yard – See Junk Yard

Satellite Dish Antenna

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone, or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially or extra-terrestrially based sources. This definition includes, but is not limited to, devices commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

Screen

A structure such as a fence, wall, landscape screen, or combination of same, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

Self-Storage Warehouse – See Mini-Warehouse

Service Drive

A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides and may vary in width and design. Service drives are often used for the delivery and pick-up of goods and merchandise but may also be used for other vehicular movement.

Setback, Average

A mathematical average calculated by taking the sum of a group of values (setback distances) and dividing it by the number of values (quantity of setbacks used) in the group.

Setback, Existing

The actual horizontal open space distances between front, side, and rear lot lines and the buildings and structures located on a lot or parcel.

Setback, Required

A line, generally parallel to a front, rear, or side lot line, which reflects the minimum required setback for a lot or parcel as specified by underlying zone district standards. The setback line for a yard abutting a street shall be measured from the nearest street right-of-way line.

Sight Distance

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

The length of roadway visible to a driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway or nearby sidewalk.

Sign

A name, identification, description, display or illustration or other device which is affixed to, or painted, or otherwise represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, right-of-way, sidewalk, alley, park or other public property.

Similar

A use or service that is comparable, consistent, corresponding, or equivalent to the range of uses and services provided for within a zone district in which the use or service may be placed.

Site Condominium – See Condominium

A condominium project developed under the Condominium Act, of the Public Acts of 1978, as amended.

Site Plan

A scaled drawing(s) illustrating existing and proposed conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this Ordinance.

Site Plan Change, Minor and Major

Minor Change – Modifications the Zoning Administrator may make to an approved site plan as provided for by this Ordinance.

Major Change – Modifications to an approved site plan that would exceed the Minor Change standards of this Ordinance.

Smart Growth

Growth which supports choice and opportunity by promoting efficient and sustainable land development, incorporates redevelopment patterns that optimize prior infrastructure investments, and consumes less land that is otherwise available for agriculture, open space, and natural systems.

Special Land Use

A use of land not permitted by right, but which is permitted within a particular zoning district after demonstration of compliance with specific special land use design standards. A special land use requires that a special use permit be obtained to proceed with development.

Stacking, Vehicular (Queuing)

Refers to occupied vehicles positioned in a line, either idling or moving at very slow speeds, while awaiting service at a drive-up window or automatic teller machine, entry into a wash bay, entry into a bay for vehicular service, movement as part of a procession, entry to or from a driveway or roadway, or

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

other function resulting in a line of vehicles awaiting movement. Vehicular stacking is also referred to as Queuing.

Stormwater Detention Facility

A facility designed for detaining stormwater runoff for a short period of time and releasing it at a controlled rate to the natural watercourse where it returns to the hydrologic cycle.

Stormwater Retention Facility

A facility which does not possess the ability of dewatering, whereby water is held for a considerable length of time for aesthetic or other purposes. The water is commonly dissipated by plants, evaporation, or percolation into the ground.

Story

That part of a building, except a mezzanine as defined herein, 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 shall not be counted as a story.

Street

A dedicated public or private right-of-way, other than an alley, which affords the principal means of access to abutting property.

Structure

Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on the ground. This term shall include, but is not necessarily limited to, buildings, pads, parking lots, fences, tanks, towers, dish antennae, advertising devices, tents, trailers, or similar structures on wheels or other support used for business or living purposes. The word structure shall not apply to wires and their supporting poles or frames, electrical or telephone utilities (poles and wires), or to service utilities below the ground.

Structural Alterations

Any changes in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams, or girders.

Subdivision

The partitioning or splitting of a parcel or tract of land in accordance with the requirements of Public Act 288 of 1967, as amended, the State of Michigan Subdivision Control Act and this Ordinance.

Substantial Improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either; (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, substantial improvement is considered to occur when the first alteration of

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either; (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places. For purpose of this definition, market value shall be based on the assessment records of the city of Cadillac or, if records are not available, the City Assessor's determination of estimated market value.

Sun Hour (Peak)

A peak sun hour is defined as one hour in which the intensity of solar irradiance (sunlight) reaches an average of 1,000 watts (W) of energy per square meter (roughly 10.5 feet). Peak sun hours (or average solar radiation) express the number of hours per day when the sun is more or less directly above solar panels designed for the collection of the sun's energy. For purposes of Cadillac as a whole (Latitude 44.2494), peak sun hours shall be as follows:

- Fixed tilt sunlight hours: 4.4 hours per day
- 1-Axis tilt sunlight hours: 5.5 hours per day
- 2-Axis tilt sunlight hours: 6.0 hours per day

Sustainable Development

Development that does not destroy or eventually deplete a location's natural resources. The goal of sustainable development is foster an improved and healthier living environment and quality of life and in doing so meet the needs of the present without compromising the ability of future generations to meet their own needs.

Swimming Pool

Any outdoor structure or container whether located above or below ground designed to hold water to a depth of greater than twenty-four (24") inches, intended for swimming, relaxation, therapeutic purposes, or bathing. A swimming pool shall be considered an accessory building for purpose of determining required yard setbacks.

T- Definitions

Tattoo Parlor

A business establishment where persons engage in the placing of designs, letters, scrolls, figures, symbols or other marks upon or under the skin with ink or other permanent substance resulting in coloration of the skin by the aid of needles, or other instruments designed to touch or puncture the skin.

Telecommuting (Remote Working)

The act of working from home or a branch location, such as telework center, and connecting to the primary place of work and/or other business-oriented parties by using an internet or other communication system connection.

Telework

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

A work arrangement that allows an employee to perform work at an approved alternative worksite (e.g., home, telework center, etc.).

Telework Center

A location at which telecommuting and telework are performed.

Temporary Use or Building

A use or building permitted to exist during a specified period. The use, design, and placement of a temporary use or building may be subject to conditions as provided for by this Ordinance.

Traffic Study

An investigation and analysis of the transportation system in a specific area, which is supported by the collection of data. Traffic studies are used to examine a recurring transportation problem and propose a solution that will help alleviate the problem in that area. Traffic studies are also performed to examine the potential impacts of a proposed development on an existing transportation system and identify improvements needed to resolve the impacts. Transportation studies are prepared by a professional engineer educated and experienced in traffic planning and design.

Transitional Housing

State-licensed facilities also known as Temporary Housing Centers, Halfway Houses, Reentry Centers, and Community Recovery Centers established to provide temporary housing and public support services for the homeless and at-risk populations.

Transient Residential Uses

Uses such as hotels, motels and facilities used primarily for transient occupancy as regulated by this Ordinance.

Tree Lawn

Tree lawn is that landscape area between the back of the street curb and the sidewalk.

Tent

A shelter of canvas, plastic, or the like supported by poles and fastened by cords or pegs driven into the ground.

U - Definitions

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.

V – Definitions

Variance

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

A relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 110 of the Public Acts of 2006, including any amendments thereto.

Vehicle

Any device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Vehicle Repair – See Automobile Service Establishment

Veterinary Clinic (Veterinary Hospital)

Any establishment maintained and operated for the diagnosis and treatment of diseases and injuries of animals. Kenneling of animals shall be indoors and shall be limited to those requiring overnight care due to medical reasons.

Video Arcade (Video Establishment and Video Gallery)

A gallery, mall, or space used for the installation and commercial operation of electronic recreational game equipment (machines), including computerized game equipment. This equipment incorporates images, or images and sound combined, which may or may not be partially administered through hand controls.

Violation

Any act which is prohibited or made or declared to be unlawful or an offense under this Ordinance, including affirmative acts as well as omissions and/or failure to act where the act is required by this Ordinance, and further including the failure or refusal to abide by the terms or conditions of a specific approval of any board or commission or the City Council, including, but not limited to, permit or plan approvals (and conditions imposed thereon) granted under this Ordinance.

W - Definitions

Walkable Development (Walkable Community)

A development and/or community that provides safe, easily accessible, and highly connected biking and walking infrastructure (such as sidewalks, bicycle lanes, bicycle parking facilities) for residents of all age groups. Walkable developments and walkable communities allow daily activities (shopping, going to school or work, and recreation) to be performed by using nonmotorized transportation modes.

Wall, Obscuring

A structure built of architectural or landscape materials to a definite height and location for the purpose of serving as an obscuring device in carrying out the requirements of this Ordinance.

Waterfront

Refers to that portion of a lot or parcel abutting a body of water (e.g., lake, stream, creek, etc.).

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Wetland

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

Wetland, Regulated

Wetlands regulated by the Michigan Department of Natural Resources or Michigan Department of Environment, Great Lakes and Energy under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

Wind Energy Turbine (WET)

Any structure-mounted, small, medium or large wind energy conversion system that converts wind energy into electricity through the use of a wind generator.

Wireless Communications Equipment

The equipment and components, including antennas, transmitters, receivers, base stations, equipment shelters or cabinets, emergency generators, and power supply, coaxial and fiber optic cables used in the provision of wireless communications services, but excluding wireless communication support structures.

Wireless Communications Support Structures

Structures designed to support or capable of supporting wireless communication equipment. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, utility poles, wood poles and guyed towers, buildings, or other structures with such design or capability.

Wholesale Store (Wholesale Warehouse)

Any building or structure in which goods, wares, or merchandise are sold to a retailer for resale and not direct public consumption.

X – Definitions - Reserved for future use.

Y – Definitions

Yard

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

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 main building. **In the case of a**

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

waterfront lot, the yard on the waterfront side shall be classified as a waterside front yard and the yard on the street side shall be classified as streetside front yard. The required front yard shall mean the yard to be established as a result of compliance with the required front yard setback. In the case of a lot line lying along a water body, the lot line shall be that line recorded as the high waterline.

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 main building. The required rear yard shall mean the yard to be established as a result of compliance with the required rear yard setback. Lots possessing frontage along both a street and waterway shall not possess a rear yard as defined above, provided, however, the yard on the street side shall be regulated similar to non-waterfront lots pursuant to the placement of items such as storage buildings and fencing as controlled by this Ordinance.

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 main building. The required side yard shall mean the yard to be established as a result of compliance with the required side yard setback.

Yard Sale (Garage Sale)

An outdoor sale of used personal or household items held on the seller's premises.

Z – Definitions

Zoning Act

Michigan Act 110 of 2006, including any amendments thereto, provided, however, the powers and duties of the Zoning Commission have been transferred to the Planning Commission of the City of Cadillac under the provisions of Michigan Act 33 of the Public Acts of 2008, including any amendments thereto.

Zoning Administrator

An individual appointed by the City Manager of the city of Cadillac delegated to administer the City Zoning Ordinance.

Zoning Board of Appeals

The Cadillac Zoning Board of Appeals created under Act 110 of the Public Acts of 2006, as amended.

Zoning District

A portion of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Zoning Map

**PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023**

The Official Zoning Map of the city of Cadillac, approved by the Cadillac City Council, upon which the zone districts and zone district boundaries as specified by this Ordinance are depicted, including pertinent information associated therewith. The Official Zoning Map shall be considered a part of this Ordinance.

Zoning Permit – See Building Permit for Zoning Compliance