

ARTICLE 2 DEFINITIONS

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm or association, organization, partnership, trust, company, or corporation, as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

Sec. 2.01 Accessory Use

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

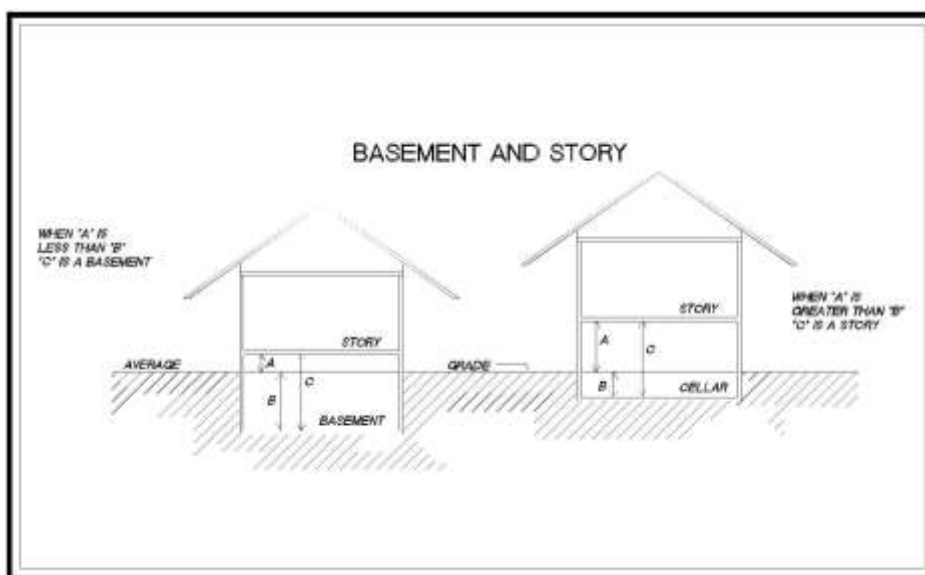
Sec. 2.02 Alteration

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

Sec. 2.03 Basement

A basement is that portion of a structure with not less than three (3) walls thereof, partly below grade and so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling (see Figure 2-1).

Figure 2-1



Sec. 2.04 Block Face

A block face is defined as and consists of those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or man-made features.

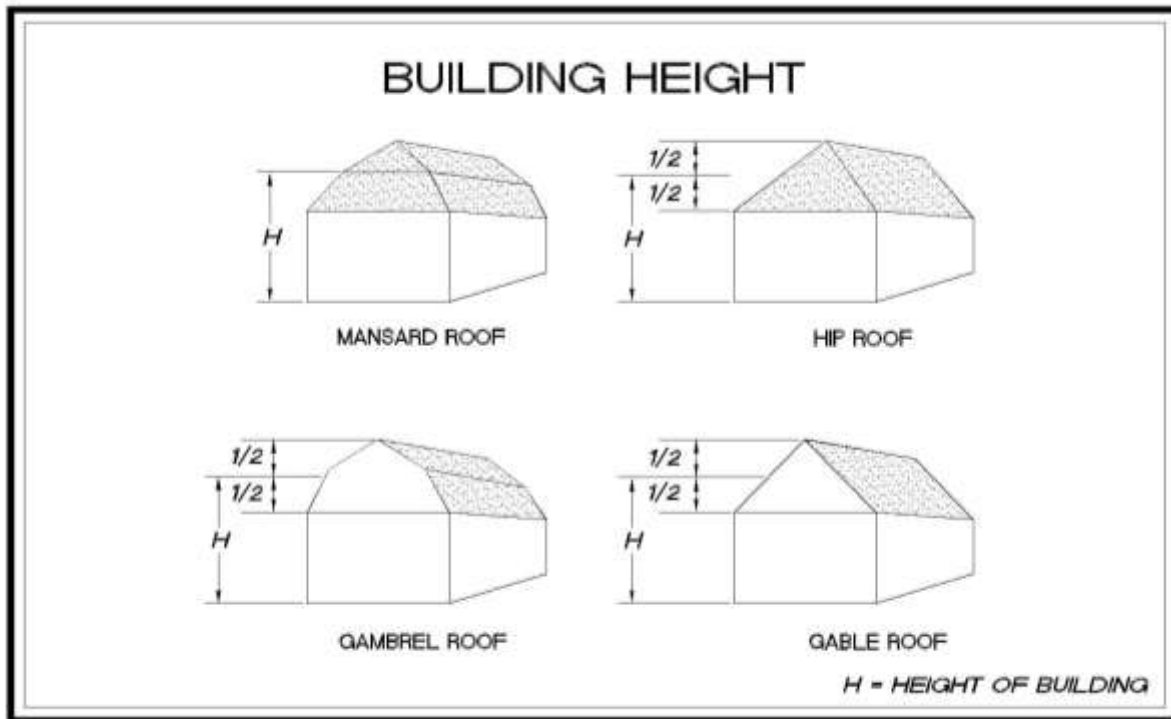
Sec. 2.05 Building

Any structure (excluding fences) having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

Sec. 2.06 Building, Height of

The vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs (see Figure 2-2).

Figure 2-2



Sec. 2.07 Building Permit

An authorization issued by the Village Building Inspector to move, erect or alter a structure within the Village.

Sec. 2.08 Conditional Use

A conditional use is a use of land for an activity which could be detrimental to other land uses permitted within the same district, but which can be permitted based on a case-by-case review of circumstances unique to the location of a particular proposed use, which use can be conditionally permitted without jeopardy to uses permitted within such district.

Sec. 2.09 Conditional Use Permit

An authorization approved by the Village Planning Commission to use a parcel of land and/or structure for a conditional use.

Sec. 2.10 Condominium, Contractible

A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with the Condominium Act (PA 59 of 1978).

Sec. 2.11 Condominium, Conversion

A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act (PA 59 of 1978).

Sec. 2.12 Condominium, Expandable

A condominium project to which additional land may be added in accordance with the Condominium Act (PA 59 of 1978).

Sec. 2.13 Condominium, General Common Elements

Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (PA 59 of 1978).

Sec. 2.14 Condominium, Limited Common Elements

Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development, as defined in the Condominium Act (PA 59 of 1978).

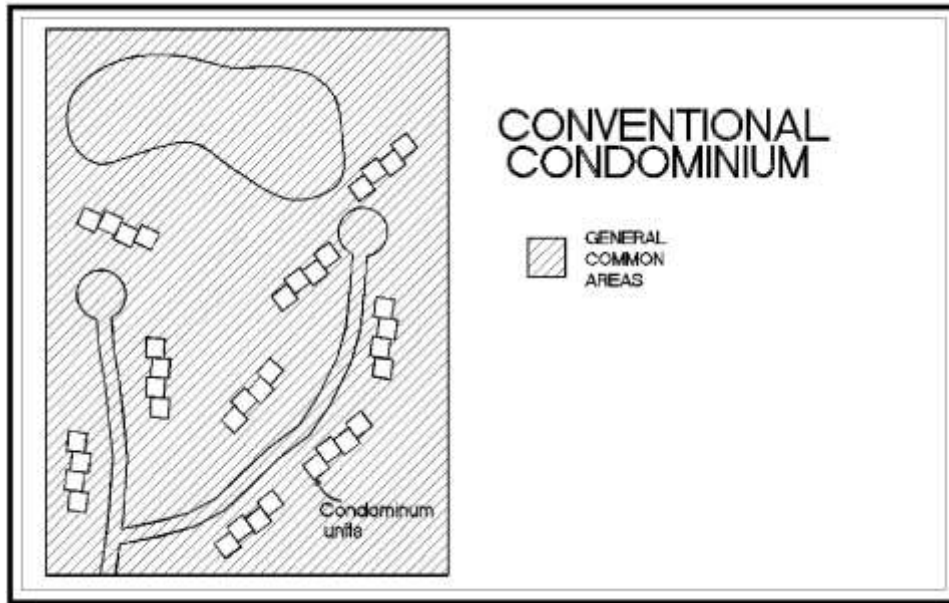
Sec. 2.15 Condominium, Master Deed

The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act (PA 59 of 1978).

Sec. 2.16 Condominium Project, Conventional

A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area (see Figure 2-3, next page).

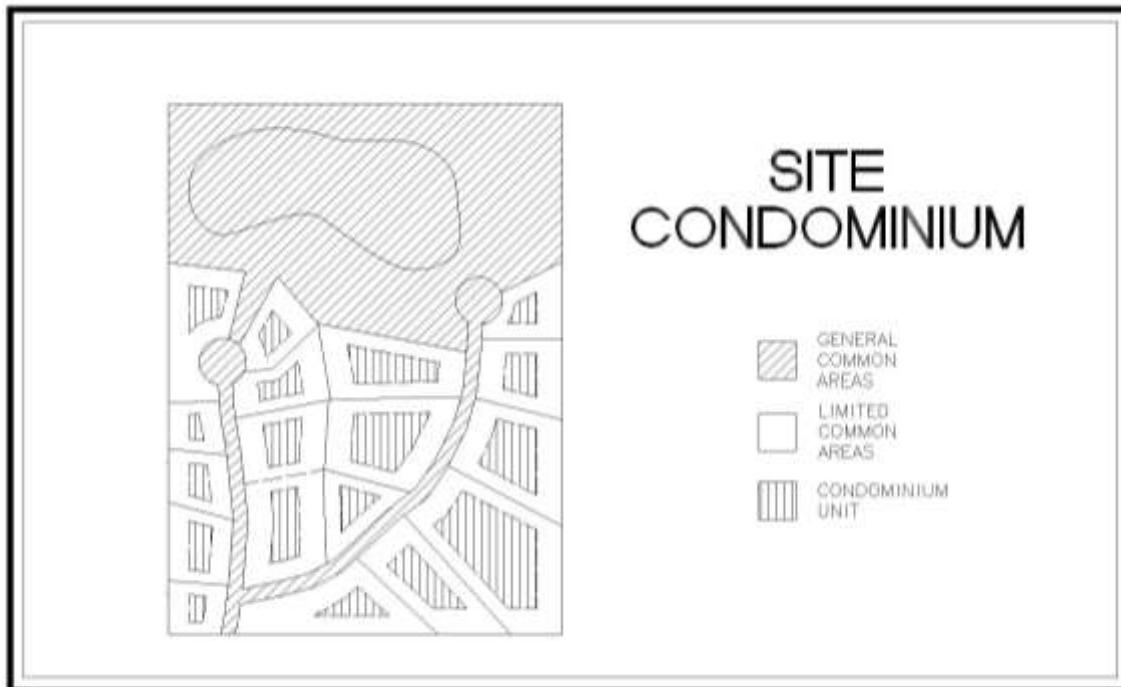
Figure 2-3



Sec. 2.17 Condominium Project, Site

A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common elements, constitutes the equivalent of a lot (see Figure 2-4).

Figure 2-4



Sec. 2.18 Condominium, Subdivision Plan

Drawings and information prepared pursuant to section 66 of the Condominium Act (PA 59 of 1978).

Sec. 2.19 Condominium Unit

A condominium unit is that portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act (PA 59 of 1978).

Sec. 2.20 Cul-De-Sac

A street terminated at one end, with a turning radius.

Sec. 2.21 District

Each part, or parts of the Village of Otisville for which specific zoning regulations are prescribed.

Sec. 2.22 Driveway

A paved way for vehicular traffic extending from the roadway to the property side across a sidewalk, whether or not such sidewalk is improved, for the purpose of providing access to parking or maneuvering space on abutting property

Sec. 2.23 Driveway, Commercial

A driveway serving any property except a one or two family residence.

Sec. 2.24 Driveway, Residential

A driveway serving a one or two-family residence.

Sec. 2.25 Dumpster

Any container, receptacle, compactor unit, trailer, roll-off, or similar unit with or without wheels that is used for temporary storage, containment, or transport of refuse, debris, trash, garbage, food waste, solid waste, recyclable material, incidental demolition debris, or other discarded or like materials. It shall not apply to ordinary household trash cans of a volume of fifty gallons or less, recycling receptacles of ninety-six gallons or less, to plastic bags storing these materials in compliance with the regulations of the Village, or to solid waste disposal trucks operated by a company duly licensed by the Village used or operated by the Village.

Sec. 2.26 Dwelling Units

One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms, or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Sec. 2.27 Essential Services

The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with, but not including, buildings and structures.

Sec. 2.28 Family

An individual or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit as a functional family.

Sec. 2.29 Family, Functional

A group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, registered student organization, association, lodge, organization, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Sec. 2.30 Floor Area

Floor area shall constitute the total floor area occupied by a use and measured to include all space used primarily or incidentally for such use.

Sec. 2.31 Frontage

The lands and distance thereof of any lot fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and another right-of-way, waterway, end of a dead end street or village boundary measured along the street line or between a lot line and any of the above.

Sec. 2.32 Loading Space, Off-Street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

Sec. 2.33 Lot

For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of contiguous lots of record, or contiguous portions of lots of record;
- D. A parcel of land described by metes and bounds.
- E. In the case of a site condominium, each condominium unit and its associated limited common area shall constitute a lot.

Sec. 2.34 Lot Area

The total horizontal area within the lot lines of a lot.

Sec. 2.35 Lot, Corner

A lot located at the intersection of two (2) streets or a lot bounded on two sides by a curving street, any two (2) chords of which form an angle of one hundred thirty five (135) degrees or less. The point of intersection of the tangents described above (see Figure 2-6).

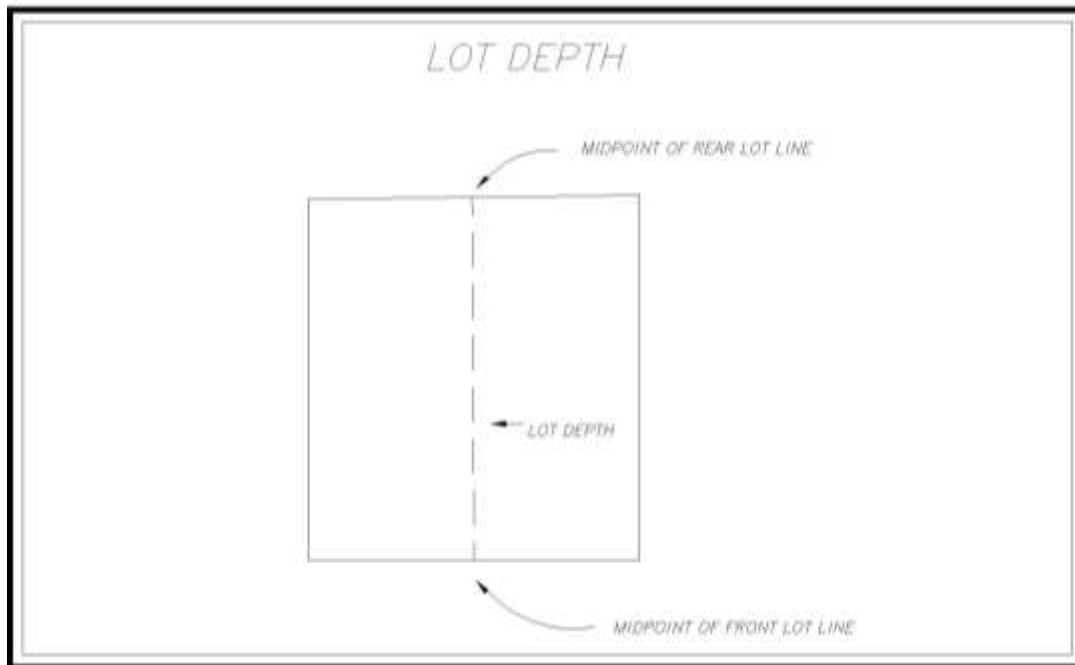
Sec. 2.36 Lot Coverage

That part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Sec. 2.37 Lot Depth

The distance between the midpoints of straight lines connecting the foremost points to the side lot lines in the front and the rearmost points on the side lot lines is the rear.

Figure 2-5



Sec. 2.38 Lot, Gore Shaped

A triangular shaped lot. (See Figure 2-6).

Sec. 2.39 Lot, Interior

A lot other than a corner lot with only one (1) lot line fronting on a street (see Figure 2-6).

Sec. 2.40 Lot Line, Front

In the case of an interior lot, abutting upon a public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a through lot, the front lot shall be that line separating said lot from both street right-of-way's. In the case of a corner lot, both street lot lines are front lot lines. (see Figure 2-10).

Sec. 2.41 Lot Line, Rear

Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to, or approximately parallel, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth or rear yard. In the case of a corner lot both of the lines opposite the front lot lines shall be side lot lines and there shall be no rear lot line. (see Figure 2-10)

Sec. 2.42 Lot Line, Side

Any lot line not a front lot line or rear lot line.

Sec. 2.43 Lot Line, Street or Alley

A lot line separating the lot from the right-of-way of a street or an alley.

Sec. 2.44 Lot Lines

The property lines bounding the lot.

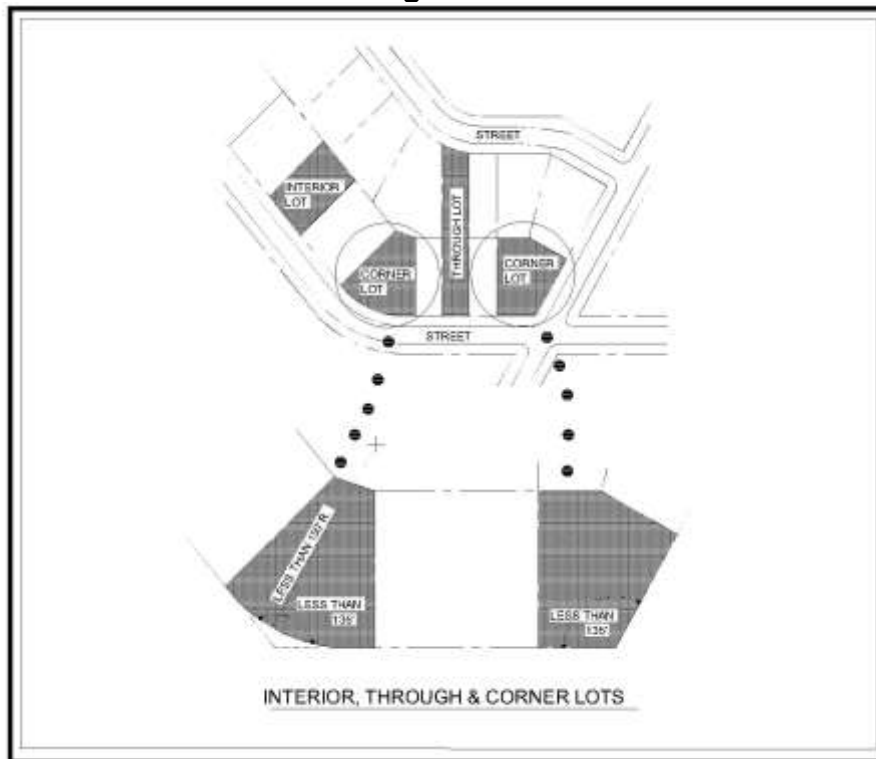
Sec. 2.45 Lot of Record

A lot which actually exists in a subdivision plat or condominium plan as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Sec. 2.46 Lot, Through

A lot having its front and rear yards each abutting a street (see Figure 2-6).

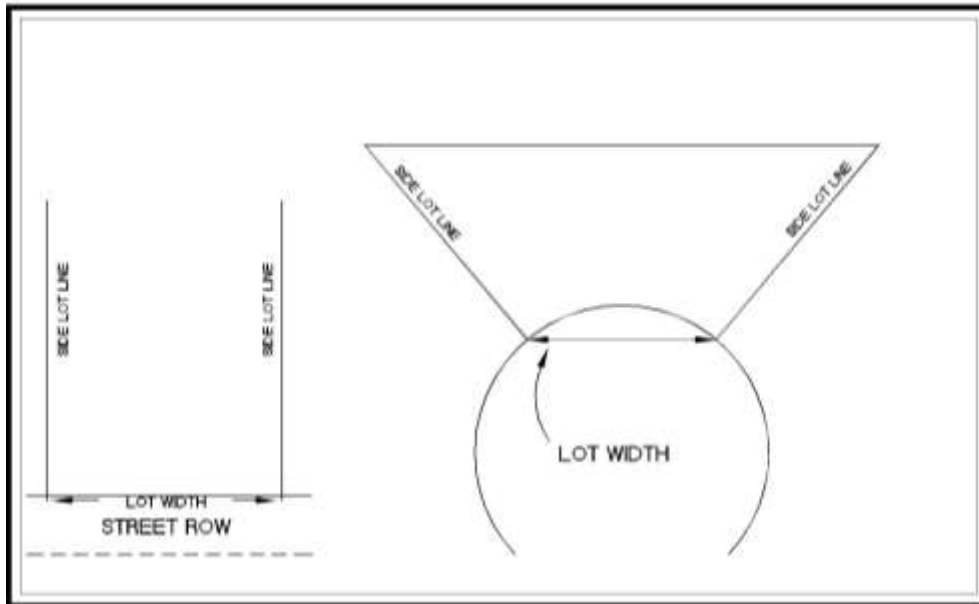
Figure 2-6



Sec. 2.47 Lot Width

Width of a lot shall be the distance along a straight line connecting side lot lines and measured across the lot between side lot lines at their foremost points (where they intersect with the front lot line.) (See Figure 2-7).

Figure 2-7



Sec. 2.48 Master Plan

The Master Plan for the Village of Otisville, Genesee County, Michigan as authorized by the Michigan Planning Enabling Act, Act 33, Public Acts of 2008.

Sec. 2.49 Mobile Home

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

Sec. 2.50 Natural Features

A wetland, a river, stream, lake, pond or other water course or an area of steep slopes greater than 12%.

Sec. 2.51 Non-Conforming Lot

A lot with dimensions or area which conflict with the provisions of this Ordinance.

Sec. 2.52 Non-Conforming Structure

A structure conflicting with the regulations of the district in which it is located.

Sec. 2.53 Non-Conforming Use

A use of land or a structure for purposes which conflict with the provisions of this Ordinance.

Sec. 2.54 Parking Space, Off-Street

For the purposes of this Ordinance, an off-street parking space shall consist of a space for parking an automobile that complies with the requirements of this ordinance.

Sec. 2.55 Plot Plan

A drawing prepared in compliance with the requirements of this ordinance to document proposed development of a lot as part of a zoning permit application.

Sec. 2.56 Principal Use

The main use to which the premises are devoted and the principal purpose for which the premises exists.

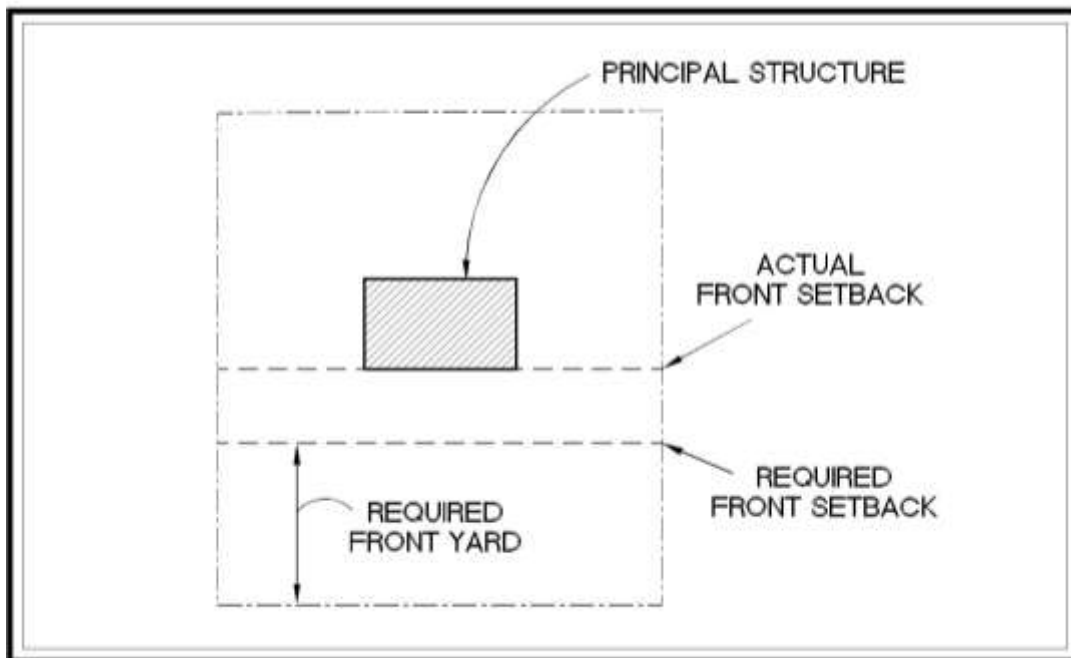
Sec. 2.57 Setback, Actual

The minimum horizontal distance between the principal building, excluding steps and unenclosed porches and the lot line. In the case of a lot on a cul-de-sac or curvilinear street, the setback is measured from the midpoint of the lot width on the front lot line (see Figure 2-8).

Sec. 2.58 Setback, Required

Distance from the right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure or any part thereof, shall be erected or permanently maintained. (See Figure 2-8).

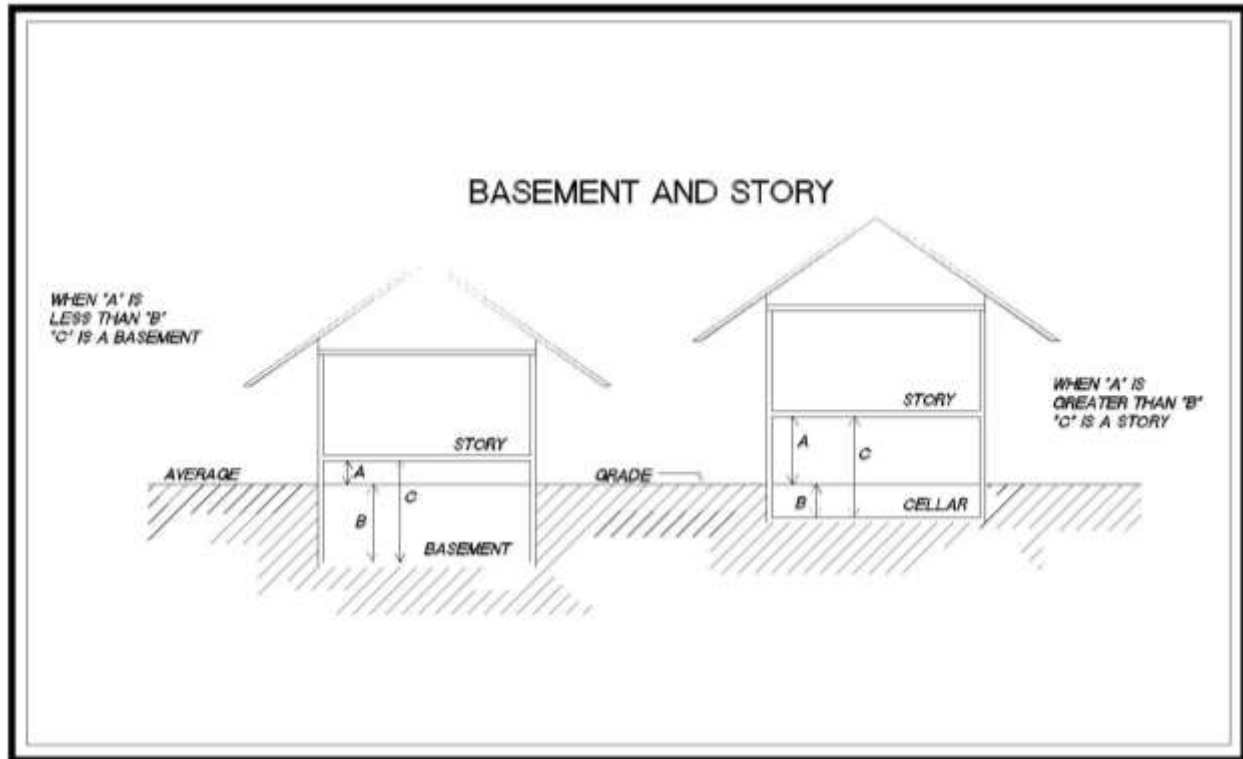
Figure 2-8



Sec. 2.59 Story

That part of a building included between the surface of any floor and the surface of the floor or roof, next above. When the distance from the average established grade to the ceiling of a portion of a structure partly below such grade is greater than the distance from the average established grade to the floor, such portion shall constitute a story. (See Figure 2-9.)

Figure 2-9



Sec. 2.60 Street

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

Sec. 2.61 Structure

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground and which is not flush with the ground, such as parking lots or sidewalks. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Sec. 2.62 Travel Trailer

A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not to exceed thirty-five (35) feet.

Sec. 2.63 Variance, Use

An authorization permitting change in the requirements of this Ordinance by the Zoning Board of Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in an practical difficulty upon the variance applicant.

Sec. 2.64 Village

The Village of Otisville Genesee County, Michigan.

Sec. 2.65 Village Council

The Village Council of the Village of Otisville, Genesee County, Michigan.

Sec. 2.66 Village Planning Commission

The Otisville Village Planning Commission as established by the Otisville Village Council under provisions of the Michigan Planning Enabling Act, being Act 33, Public Acts of 2008, as amended.

Sec. 2.67 Yard

A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

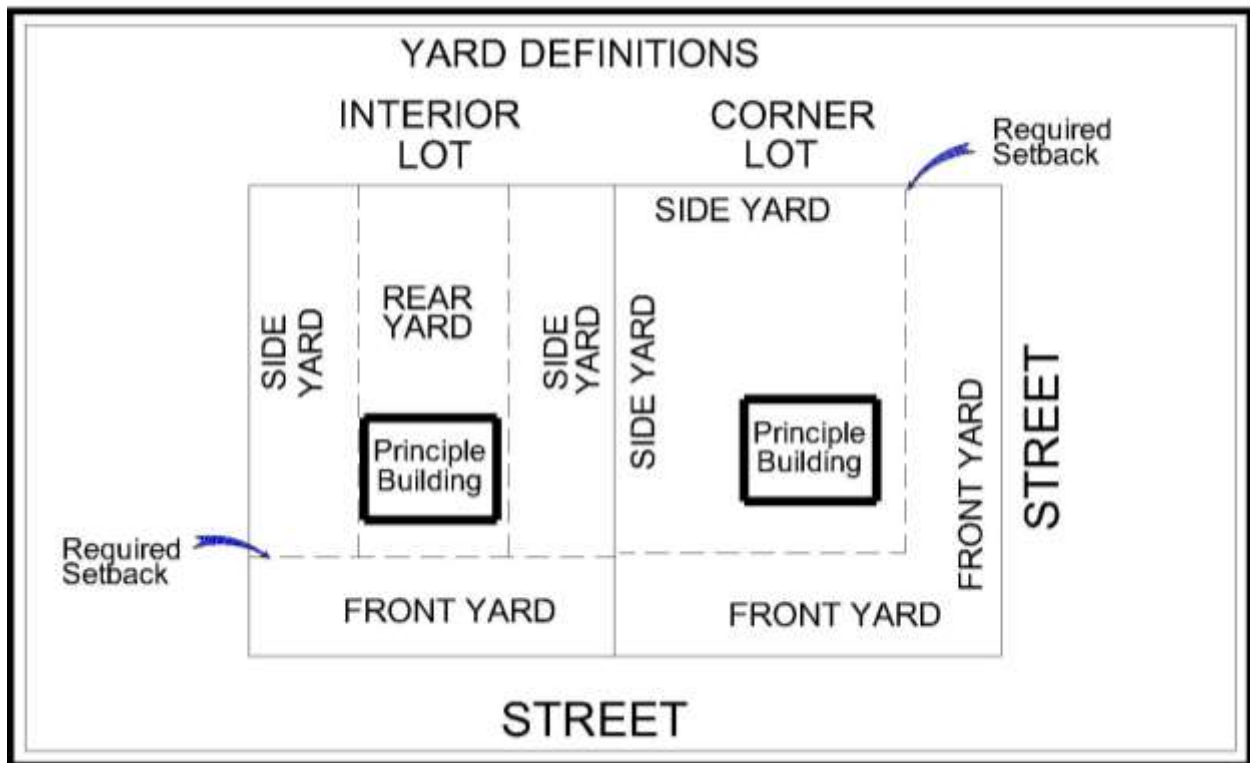
Sec. 2.68 Yard, Front

A yard extending between side lot lines across the front of a lot and adjoining a public street (see Figure 2-10).

Sec. 2.69 Yard, Side

A yard extending from the rear line of the required front yard and being between the principal structure and the side lot lines, to the rear lot line or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street (see Figure 2-10).

Figure 2-10



Sec. 2.70 Yard, Rear

A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards (see Figure 2-10).

Sec. 2.71 Zoning Administrator

The person appointed by the Village Council to administer this ordinance.

Sec. 2.72 Zoning Board of Appeals

The Zoning Board of Appeals as provided under provisions of the Michigan Planning Enabling Act, being Act 110, Public Acts of 2006, as amended, with powers and duties as defined in those statutes, except as modified herein.

Sec. 2.73 Zoning Permit

The document verifying that a proposed use or development complies with the requirements of this ordinance.