

ZONING ORDINANCE VILLAGE OF MATTAWAN

An Ordinance to regulate and restrict the location and use of structures and land for residence, trade, industry, and other purposes; to regulate the height and size of structures, and the general dimension of yards, courts, and other open spaces; to regulate the density of the population; to create districts for the above purpose and establish district boundaries; to provide for amendments to regulations, restrictions, and boundaries of such districts; to define certain terms used in this Ordinance; to establish a Board of Zoning Appeals; to provide for the enforcement of the provisions of this Ordinance and to prescribe penalties for the violation thereof.

ARTICLE 1 GENERAL PROVISIONS AND DEFINITIONS

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Section 1.10 Preamble

Pursuant to the authority conferred by Public Act 207, P.A. 1921 (P.A. 285), as amended (MCLA 125.581 et seq), of the State of Michigan and for the purpose of promoting and protecting the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of the Village of Mattawan by protecting and conserving the character and social and economic stability of the residential, commercial, industrial, and other use areas, by securing the most appropriate use of land, preventing overcrowding, and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements; and by other means, all in accordance with a Master Plan.

NOW THEREFORE, THE VILLAGE OF MATTAWAN ORDAINS:

Section 1.20 Short Title

This Ordinance shall be known and may be cited as the Village of Mattawan Zoning Ordinance,” and will be referred to herein as: “this Ordinance.”

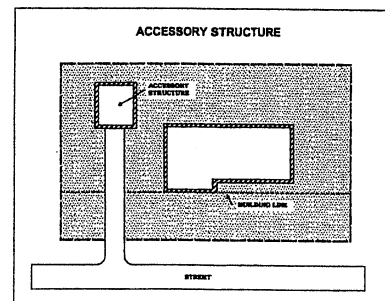
Section 1.30 Construction of Language

- A. For the purposes of this Ordinance, certain terms or words herein shall be interpreted as follows:
1. Words used in the present include the future terms, unless the context clearly indicates the contrary.
 2. The singular includes the plural, unless the context clearly indicates the contrary
 3. The word Aperson \equiv includes an individual, a firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a Aperson \equiv under the laws of the State of Michigan.
 4. The word Alot \equiv is intended to mean the word Aplot \equiv or Aparcel. \equiv
 5. The word Aused \equiv or Aoccupied \equiv as applied to any land or building shall be construed to include the words Aintended \equiv , Aarranged \equiv , or Adesigned to be used or occupied. \equiv
 6. The word Adwelling \equiv includes Aresidence. \equiv
 7. The terms Aabutting \equiv or Aadjacent to \equiv include property Aacross from \equiv , such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
 8. The term Aact \equiv or Adoing of an act \equiv includes Aomission to act. \equiv
 9. The term Aoccupied \equiv shall include Aarranged, \equiv Adesigned, \equiv Abuilt, \equiv Aaltered, \equiv converted to, \equiv Arented, \equiv Aleased, \equiv or Aintended to be inhabited, \equiv not necessarily for dwelling purposes.
 10. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction Aand, \equiv Aor, \equiv or Aeither...or, \equiv the conjunction shall be interpreted as follows:

- a. AAnd \equiv indicates that all the connected items, conditions, provisions or events shall apply.
 - b. AOr \equiv indicates that all the connected items, conditions, provisions, or events shall apply singly or in any combination (i.e., Aor \equiv also means and/or \equiv).
 - c. AEither...or \equiv indicates that the connected items, conditions, provisions, or events may apply singly.
- B. The particular shall control the general.
 - C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 - D. The word Ashall \equiv is also mandatory and not discretionary. The word Amay \equiv is permissive.
 - E. The word Abuilding \equiv includes the word Astructure. \equiv A Abuilding \equiv or Astructure \equiv includes any part thereof.
 - F. For the purposes of this Ordinance, terms not herein defined shall have the meaning customarily assigned to them.

Section 1.40 Definitions

Accessory Building: An accessory building is a subordinate *supplemental* building or structure on the same lot, not a part of the main building, occupied by or devoted exclusively to an accessory use. A garage area attached to a residence or connected to it by a common roof or covered breezeway is not considered to be an accessory building. *Other common accessory buildings are: equipment or garden sheds, sun-greenhouses, and swimming pools.*



Accessory Use: An accessory use is a use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.

Adult Day Care Facility: A facility which provides daytime care for any part of a day but less than twenty-four (24) hour care for functionally impaired elderly persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client=s home. Such facilities receiving funds through an Area Agency on Aging must comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

Adult Foster Care Facility: A governmental or non-governmental establishment that provides supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over eighteen (18) years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released or assigned to a correctional facility. These facilities are licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services. Such facilities are classified further as follows:

1. **Adult Foster Day Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
2. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
3. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.
4. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence and/or include professionally-trained and educated foster care staff who meet appropriate health care licensing.

Adult Regulated Uses or Sexually Oriented Businesses: Any business that primarily features sexually stimulating material and/or performances, including the following:

1. **Adult Bookstore:** An establishment having a substantial portion [more than twenty (20) percent] of its stock in trade books, magazines, and other periodicals, and/or photographs, drawings, slides, films, video tapes, recording tapes, and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Aspecified sexual activities≡ or Aspecified anatomical areas,≡ (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material, which segment or section exceeds ten percent (10%) of the useable floor area of the establishment.
2. **Adult Booth:** A small enclosed or partitioned area inside an adult regulated use which is 1) designed or used for the viewing of books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides or other visual representations, recordings and novelties or devices which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” by one or more persons, and 2) is accessible to any person, regardless of whether a fee is charged for access. “Adult Booth” does not include a foyer through which any person can enter or exit the establishment, or a restroom.
3. **Adult Cabaret:**
 - a. Group A Cabaret: An establishment licensed by the Michigan Liquor Control Commission which features nude or semi-nude entertainers, topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, nude or semi-nude waitresses or waiters, or similar entertainers, or an establishment which features live entertainment distinguished or characterized by an emphasis on Aspecified sexual activities≡ or Aspecified anatomical areas,≡ (as defined herein) for observation by patrons therein.
 - b. Group B Cabaret: An establishment licensed by the Michigan Liquor Control Commission, which offers beer or intoxicating liquor for consumption on the premises and features nude or semi-nude entertainers, topless dancers, go-go dancers, exotic dancers, strippers, male of female impersonators, nude or semi-nude waitresses or waiters, or similar entertainers, or which features live entertainment distinguished or characterized by an emphasis on

Aspecified sexual activities≡ or Aspecified anatomical areas,≡ (as defined herein) for observation by patrons therein.

4. **Adult Model Studio:** Any place where models who display Aspecified anatomical areas≡ (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
5. **Adult Motion Picture Arcade or Miniature Motion Picture Theater:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at anyone time, and where the images displayed depict, describe, or relate to Aspecified sexual activities≡ or Aspecified anatomical areas,≡ (as described herein).
6. **Adult Movie Theater or Adult Live Stage Performing Theater:** An enclosed building or room used for presenting motion picture films, video tapes, cable or satellite television, or any other visual media having as a dominant theme, materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to Aspecified sexual activity≡ or Aspecified anatomical areas,≡ (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

An adult theater does not include a theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by their emphasis on the depiction or description of "Specified Sexual Activities: or "Specified Anatomical Areas" in that any such depiction or description is only incidental to the primary purpose of the performance.

7. **Adult Outdoor Motion Picture Theater:** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to Aspecified sexual activities≡ or Aspecified anatomical areas≡ (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

8. **Adult Personal Service Business:** A business having as its primary activity a person, while nude or while displaying Aspecified anatomical areas,≡ (as defined herein), providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body painting studios, wrestling studios, and conversation parlors.

Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services; massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person.

An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:

- a. Establishments that routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed nurse practitioner, or any other similarly licensed or certified medical professional;
- b. Establishments which offer massages performed by certified massage therapists;
- c. Gymnasiums, fitness centers, and health clubs;
- d. Electrolysis treatment by a licensed operator of electrolysis equipment;
- e. Continuing instruction in martial or performing arts, or in organized athletic activities;
- f. Hospitals, nursing homes, medical clinics, or medical offices;
- g. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists; and
- h. Adult photography studios whose principal business does not include the taking of photographs of Aspecified anatomical areas,≡ (as defined herein).

9. **Adult Video Store:** An establishment having a substantial portion of its stock in trade devoted to the distribution, display, storage, or on-premises viewing of films, movies, motion pictures, video tapes, slides, or other visual representations which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to Aspecified sexual activities≡ or Aspecified anatomical areas,≡ (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
10. **Sexual Paraphernalia Store:** An establishment having a substantial portion of its stock in trade devoted to the distribution, display, or storage of instruments, devices, or paraphernalia designed for use related to Aspecified anatomical areas≡ or as part of, in connection with, or related to Aspecified sexual activities,≡ (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
11. **Special Definitions.** With respect to Adult Regulated Uses or Sexually Oriented Businesses, the following terms and phrases shall have the following meanings:
- a. **Substantial Portion:** A use or activity accounting for more than twenty percent (20%) of any one or more of the following: stock in trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.
 - b. **Specified Anatomical Areas:** Portions of the human body defined as follows:
 - 1. Less than completely and opaquely covered:
 - i. Human genitalia and pubic region;
 - ii. Buttock and anus; and
 - iii. Female breast below a point immediately above the top of the areola; or
 - 2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.
 - c. **Specified Sexual Activities:** The explicit display of one or more of the following:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;

3. Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;
 4. Human excretory functions as part of, or as related to, any of the activities described above;
 5. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.
- d. **Sexual Intercourse:** Fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a persons body, or of any object, into the genital or anal openings of another=s body.
 - e. **Sodomy:** Sexual bestiality.
 - f. **Buttock:** The anus and perineum of any person.
 - g. **Massage Parlor:** An establishment wherein private massage is practiced, used, or made available as a principal use of the premises.
 - h. **Massage:** The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping, or vibrating, through the use of a physical, mechanical, or other device, of the body of another for a fee.
 - i. **Nude Modeling Studio:** Any building, structure, premises, or a part thereof used primarily as a place that offers as its principal activity the providing of models to display specified anatomical areas for artists and photographers for a fee.

Agricultural Use: An agricultural use is any land or building used for a purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl, or other crops and animal husbandry.

Alley: An alley is a dedicated public way providing a secondary means of ingress to or egress from land or structures thereon, as designated upon the zoning map.

Alteration: The term alteration means any change, additional, or modification in construction or type of occupancy; any change in structural members of a building, such as walls, partitions, columns, beams, girders, or any changes which may be referred to herein as Aaltered≡ or reconstructed.

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles, and other similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

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

signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

Apartment: A room or suite of rooms used as dwelling for one (1) family or a group of individuals living together as a single housekeeping unit, which does its cooking therein.

Apartment, Accessory: A single apartment unit contained within a single family home or separate from, but contained within the same lot as a single family home, meeting the regulations of this Ordinance. Commonly referred to as a Amother-in-law≡ apartment.

Apartment House: An apartment house is a residential structure containing three (3) or more apartments.

Appeal: An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

Architectural Features: Shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments found on buildings, residential or non-residential.

Area, Gross Site: the total area of a planned unit development site including flood plains and water bodies.

Auction Sales Establishment: A place where objects of art, furniture, automotive/vehicle, or other goods are offered for sale to persons who bid on the object in competition with each other.

Automotive Fueling Station: A place where engine fuels are offered for sale (stored only in underground tanks), excluding facilities for automotive repair or servicing, and with or without accessory space for the retail sale of automotive or general merchandise.

Automotive Repair Station: A place, where along with or without the sale of engine fuels, the following services may be carried out in a completely enclosed building: general repair; engine and transmission rebuilding, or recondition of motor vehicles; collision services, such as body, frame, or fender straightening and repair, steam cleaning, or undercoating and rust proofing; overall painting and undercoating of automobiles; clutch, differential, axle, and spring repairs; repairs of the radiator that require removal; recapping or retreading of tires; and similar servicing, rebuilding or repairs that normally require significant disassembly or storing the automobiles on the premises overnight.

Automotive Service Center/Station: A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles, aircraft,

or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the temporary storage of vehicles not over forty-eight (48) hours, minor repair, or servicing that do not normally require any significant disassembly of the vehicle.

Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is washing motor vehicles, either with self-service mechanisms or with the use of a chain conveyor and blower.

Bank: An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange. Shall not include drive-in teller windows, booths, and accessory buildings, automated teller machines, etc. designed to serve customers either in their automobiles or on foot.

Bar, Cocktail Lounge, or Night Club: An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customer, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and similar mechanical amusement devices.

Basement: That portion of a building which is partly or wholly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the average grade to the ceiling is six and one-half (6.5') feet or more, such basement shall be considered as a story. Refer to the following illustration.

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

Berm: A mound of soil graded, shaped, and improved with landscaping in such a fashion so as to be utilized for screening purposes.

Billboard (Off-Premise Signs): A type of advertising that is either erected on the ground or attached to, painted on, or supported by a building, which directs attention to a business commodity, service, entertainment, or other activity conducted, sold, or offered at a place other than on the premises on which the sign is located.

Blight: Blight shall be defined as including, but not limited to, any of the following:

1. **Storage of Building Materials Without a Valid Building Permit:** Unless approved by the Village, the storage of any building materials other than in a completely enclosed building will not be allowed within the Village. Building materials shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, steel, or any other materials commonly used in construction any structure. This definition shall not apply to building materials temporarily on a site when there is in force a valid building permit.
2. **Storage of Junk, Trash, Litter, etc.:** The storage or accumulation, upon any property, of junk, trash, litter, bottles, cans, rubbish or refuse of any kind, except domestic refuse stored in such manner as not to create a nuisance, for a period not to exceed fifteen days. The term "junk" shall include parts of machinery or motor vehicles, used stoves, refrigerators, or other material or cast-off material of any kind. This definition shall not include State of Michigan licensed landfills or junk yards.
3. **Dilapidated Buildings:** The existence, upon any property, of any structure or part of structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable, as a dwelling, nor useful for any other purpose.
4. **Unsecured Buildings:** The existence of any vacant dwelling, garage, or other out-buildings not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto.
5. **Partially Completed Buildings:** The existence, upon any property, of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the Township and unless such construction is completed within six (6) months from the date of the building permit or extension thereof.
6. **Motor Vehicles, etc.:** The outdoor storage, upon any property, or any motor vehicle, stock or racing car, off road vehicle, snowmobile, travel trailer, motorcycle, road tractor is defined as blight if it:
 - a. Has been unlicensed for 15 days or inoperable for 30 days or more.
 - b. Has any major part missing, including but not limited to missing fenders, windows, wheels, transmissions, engines, carburetors, doors, axles, beds or the like;
 - c. Remains in a dismantled or disassembled condition, although all parts are present; or,
 - d. Cannot be propelled under its own power (motor vehicle or road tractor).

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets and unsubdivided acreage, lake; or between any of the foregoing, and any other barrier, to the continuity of development.

Boarding House: A boarding house is a dwelling where meals, or lodging and meals, are provided for compensation to two (2) or more persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

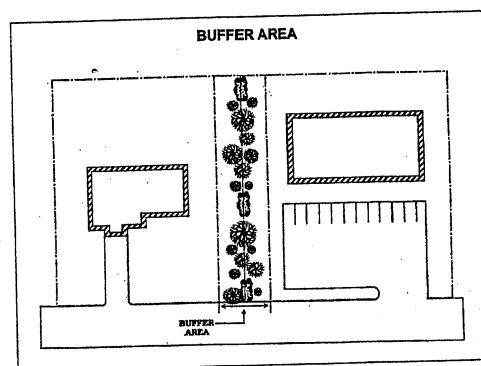
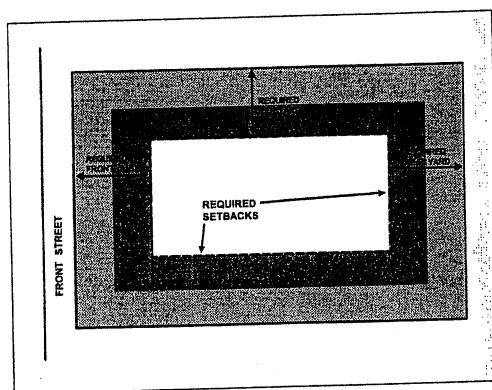
Boat: Boats, floats, rafts, and the attached normal equipment to transport the same on highways.

Breezeway. Any covered passageway between two buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

Brewpub: A restaurant or tavern (as defined in this Ordinance), licensed by the State of Michigan to produce and manufacture not more than five-thousand (5,000) barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 426.31c.

Buffer Zone: A strip of land often required between certain zoning districts or land uses reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

Buildable Area: The space remaining after the minimum setback requirements of the Ordinance have been met.



Building:

A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel, is a building. This shall include tents, awnings, or vehicles situated on private property and used for the purposes for a building. When any portion thereof is completely separated from every other part thereof, by division, walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building, Accessory: *See Section 1.40 Accessory Building.*

Building Envelope: The space remaining after compliance with the minimum required setbacks and the open space requirements of this Ordinance.

Building Height: The vertical distance measured from the reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

Building Line (Setback Line): A line established in general, parallel to the front street right of way line between which line and the front line, no part of a building shall project, except as otherwise provided in this Ordinance.

Building Permit: The written authority issued by the Zoning Official permitting the construction, removal, moving, alteration, or use of a building in conformity with the provision of this Ordinance.

Building, Public and Semi-Public Institutional: Buildings and structures of governmental agencies, and non-profit organizations including, but not limited to office buildings (used exclusively for this purpose), churches, municipal parking lots, post offices, libraries, and community centers.

Build-To Line: An alignment that dictates the front yard setback from a street or public right of way to be followed by buildings or structures fronting thereon. The build-to line does not apply to building projections or recesses (for example, a porch).

Camper, Pick-Up: A recreational unit designed to be mounted on a pick-up or truck chassis, with sufficient equipment to render it suitable for use as a temporary lodging for travel, recreational, and vacation uses.

Canopy Tree: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to shade to adjacent ground areas and to enhance aesthetics.

Cellar: A portion of a building having more than one-half (2) of its height below grade. (See also Basement).

Cemetery: Land used or intended to be used for burial of the human dead and dedicated for such purpose.

Certificate of Occupancy: A certificate issued by the Zoning Official, after final inspections, indicating his or her opinion that all the provisions of this Ordinance are being complied with and met. No building or structure or use for which a zoning permit has been issued shall be occupied

until the Zoning Official has, after final inspection, issued a Certificate of Occupancy (CO). The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

Certificate of Zoning Compliance: A permit issued by the Zoning permitting the use of land, buildings and/or structures and certifying that all improvements to the land comply with the provisions of this Ordinance.

Change of Use: Any use of a building, structure or parcel of land, or portion thereof, which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

Child Care Organization: A governmental or non-governmental organization having as its principal function, the receiving of minor children for care, maintenance training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Act No. 116 of the Public Acts of 1973, as amended and Act No. 218 of the Public Acts of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified as below:

1. Child Care Center or Day Care Center: A facility other than a private residence, receiving one (1) or more pre-school or school aged children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A Child care center or A day care center does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. Child Caring Institution: A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operated throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children.

It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

3. Foster Family Home: A private home in which, in addition to the foster parent's own children (by heredity or adoption), one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
4. Foster Family Group Home: A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
5. Family Day Care Home: A private home in which more than one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
6. Group Day Care Home: A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Church: A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals on an outpatient basis only. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

Club: An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics, or the like, but not for profit.

Cluster Housing: A group of buildings and especially houses built close together to form relatively compact units on a sizeable tract in order to preserve open spaces and environmentally sensitive areas larger than the individual yards for common recreation.

Commercial Center, Planned: A business development under single ownership consisting of two (2) or more retail or service outlets characterized by common architecture, a pedestrian and vehicle circulation system, and off-street parking.

Commission: The Village of Mattawan Planning Commission.

Common Open Space: Land within or related to a development, not individually-owned or publicly dedicated, that is designed and intended for the common use or enjoyment of the residents and their guests, including such improvements as necessary.

Comprehensive Plan: The statement of policy by the Village of Mattawan's Planning Commission relative to the agreed-upon and officially-adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions, and includes any unit or part of such plan, and any amendment of such plan or parts thereof (also referred to as Master Plan, Land Use Plan).

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

Condominium Act: State of Michigan Public Act 59 of 1978, as amended.

Condominium, Contractible: A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Village of Mattawan Code of Ordinances.

Condominium, Conversion: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

Condominium - Convertible Area: A unit or portion of the common elements of the condominium project referred in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium Documents: All those documents required by the Michigan Condominium Act and its amendments.

Condominium, Expandable: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium - General Common Element: The common elements other than the limited common elements intended for the common use of all of the co-owners.

Condominium - Limited Common Element: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium - Site Condominium Project: A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Michigan Condominium Act and its amendments. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

Condominium Subdivision Plan: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Public Act 59 of 1978, as amended.

Condominium Unit Site (i.e., Site Condominium Lot): The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium site shall become a limited common element. The term Acondominium unit site≡ shall be equivalent to the term Alot≡ for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and maximum floor area ratio.

Condominium Unit: The 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, time-share unit, or any other type of use.

Congregate Care Facility, Convalescent Home or Nursing Home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said homes shall conform and qualify for licenses under applicable state laws.

Court: An open unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

Cul-de-sac: A dead-end public or private street which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

Day Care Center: A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. A day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Such a facility is also referred to as a day nursery, nursery school, child care center, parent cooperative preschool, playgroup, or drop-in center. A day care center does not include any of the following:

1. 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 greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a calendar year.
2. A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land.

Development: The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

District: A portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established. This term is synonymous with the terms Azone≡ or Azoning district.≡

Drainage Ways and Streams: Existing permanent or intermittent watercourses.

Drive-In Establishment: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in motor vehicles. Examples include but are not limited to, restaurants, cleaners, banks, and theaters.

Drive-Through Establishment: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in motor vehicles, rather than within a building or structure, so that consumption off-premises may be facilitated.

Dwelling: Any structure, building, or portion thereof, on-site built, pre-fabricated, pre-assembled, or pre-built, having cooking facilities and which is designed, used, and occupied as a home, residence, or sleeping place for complete living accommodations of one (1) family, either permanently or transiently, complying with not less than the following minimum standards:

1. Foundation: The structure must be firmly and permanently attached to a solid block, poured-in-place concrete, stone foundation, or other suitable materials, set upon concrete footings, below the frost level. Said foundation shall completely extend from the structure to said footings and enclose the entire perimeter of the structure. Said foundation and footings shall be constructed in accordance with the building code and all pertinent state regulations, (except mobile homes located within a licensed mobile home park);
2. Length & Width: The structure shall have a core area of living space of not less than twenty (20) feet by twenty (20) feet, excluding garages, breezeways, storage, utility rooms, enclosed, or unenclosed porches, deck, or patio, (except mobile homes);
3. Eaves: All structures shall have an eave overhang of not less than six (6) inches as measured horizontally from the side of the structure to the outside edge of the eave, (except mobile homes located within a licensed mobile home park);
4. Wheels: No structure shall have exposed wheels, towing mechanism, or undercarriage.

5. Kitchen & Bath: The structure must contain a full kitchen and a lavatory and bathing facilities in a separate room and shall be connected to the Village sewer system or to a private system approved by the local health department.
6. Compatibility: The structure should be compatible in design and appearance with other residences in the vicinity; with not less than two exterior doors, one being in the front of the dwelling and the other being either the rear or side of the structure; contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Zoning Official upon review of the plans submitted for a particular structure. This is subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Official's decision. Any determination of compatibility and appearance shall be based on the standards set forth within this definition as well as the character of residential development outside of manufactured housing parks within 500 feet of the subject structure where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area, or where said area is not so developed, by the character of residential development outside of manufactured housing parks throughout the Village. The foregoing shall not be construed so as to prohibit innovative design concepts involving such matter as solar energy, views, unique land contours, or relief from the common or standard designed home.

In no case shall a travel trailer, mobile home, motor home, automobile chassis, tent, or other portable building be considered a dwelling. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance and shall comply with provisions hereof relative to dwellings.

Dwelling, Attached: A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

Dwelling, Detached: A dwelling unit which is not attached to any other dwelling unit by any means.

Dwelling, Efficiency Unit: A dwelling unit consisting of one (1) room, exclusive of a bathroom, kitchen, hallway, closet, or dining alcove directly off the principal room providing not less than three-hundred-fifty (350) square feet of floor area.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities, and
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

For purposes of this Ordinance, a mobile home is considered a type of manufactured dwelling.

Dwelling, Mobile Home: A structure, transportable in one (1) or more sections, which is built upon 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 systems contained within the structure. Recreational vehicles as described and regulated herein, shall not be considered Amobile homes≡ for the purposes of this Ordinance. [See Mobile Home (Manufactured Housing Unit).]

Dwelling, Multiple: A building or portion thereof used or designed as a residence for two (2) or more families living independently of each other and doing their own cooking in said building. This definition includes two (2) family houses, three (3) family houses, four (4) family houses, and apartment houses, but does not include hotels, motels, trailer camps, or mobile home parks.

Dwelling, Row or Terrace: A row of three (3) or more attached one (1) family dwellings, not more than two and one-half (2-1/2) stories in height in which each dwelling has its own front and rear entrances.

Dwelling, Single-Family: A building designed for or occupied by only one (1) family.

Dwelling, Site- Built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials, and paneled wall, roof, and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families living independently of each other.

Easement: A designated route or area granted to the city, a public entity, a private entity, or a private individual or reserved by the same across, into, and over a described area of a lot, yard, or other area of land either owned by the city or privately owned for use by the city, public entity, a private entity, or a private individual.

Erected: Built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential Public Service Building: A building or structure principal or accessory to an essential public service.

Essential Public Service Building Storage Yard: An outdoor storage area principal or accessory to an essential public service.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers poles, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by public utilities or municipal department or commission or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, and wireless communication facilities antenna are specifically excluded from this definition.

Excavating: The removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be the highest, excluding common household gardening and ground care.

Family: An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children or servants of the principal occupants, or not more than four (4) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuous, non-transient, domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall exclude any society, club, fraternity, sorority, association, lodge, coterie, 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 or terms of other similar determinable periods.

Farming (General): Any area which is used primarily to raise or produce agricultural products and includes the customary buildings that accompany farming activities.

Fence: An accessory structure of definite height and location intended to serve as a physical barrier to property ingress or egress, a screen from objectionable vista or noise, a marker, an enclosure in carrying out the requirements of this Ordinance, or for decorative use.

Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Filling: The depositing or dumping of any matter onto or into the ground, except common household gardening and general farm care.

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

Flooding, Ordinary High Water Mark: The line between upland and bottomland 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 marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

Floor Area, Gross: Area measured to the exterior face of exterior walls and to the centerline of interior partitions; plus, similarly measured, that area of all other stories which may be made usable

for human habitation; but excluding the floor area of cellars, attics, garages, breezeways, porches and accessory buildings.

Floor Area Ratio (FAR): The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located.

Floor Area, Usable: For the purpose of computing parking, that area used for, or intended to be used for, the sale of merchandise or services, or to serve patrons, clients, or customers. Such accessory floor area which is used, or intended to be used, principally for the storage or processing of merchandise, hallways, utility, and sanitary facilities, dance floors, stages, or other areas that do not generate any additional parking demand beyond that required for the primary use shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exteriors walls.

Food: As used in connection with restaurant facilities, grocery stores and convenience stores, this term includes frozen desserts and non-alcoholic beverages.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the right of way line of the street.

Garage, Community: An accessory building for the storage of up to three (3) non-commercial vehicles, with no public shop or service facilities in connection therewith.

Garage, Private: An attached floor area or an accessory building designed for or used for the storage of not more than three (3) motor vehicles owned and used by the occupants of the principal residence on a lot on which it is located.

Garage, Public: A building or structure for the storage or parking of more than three (3) passenger motor vehicles or motor-powered boats, or more than one (1) commercial motor vehicle, and in which provision may be made for the dispensing of gasoline, oil, or similar products for the servicing of such vehicles. A public garage shall be classified according to its specific use in one of the following groups:

1. Group 1: A public garage in which provision is made for the care, storage, repair, or painting of motor vehicles; or
2. Group 2: A public garage used exclusively for passenger vehicles that will accommodate not more than nine (9) passengers.

Garbage: All wastes, animal, fish, fowl, or vegetable matter incident to the preparation, use, and storage of food for human consumption, spoiled food, animal, and fowl manure.

Garden Center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

Glare: The effect produced by brightness or a source of illumination sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade: The grade of the street or sidewalk shall be the elevation of the curb at the mid-point of the front of the lot. The elevation is established by the Zoning Official.

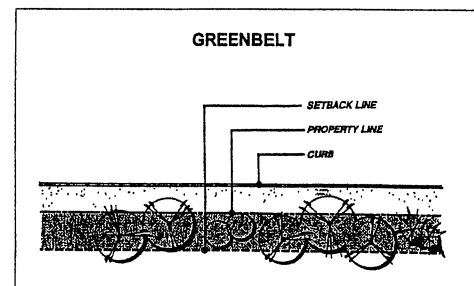
Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state, before construction begins.

Greenbelt: A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs.

Historical Feature, Significant: Any site or structure which is located in a designated local historic district or listed in the state or national register of historic places.



Home Occupation: Any occupation or profession carried on by one or more members of a family, residing on the premises; provided that no commodity other than those customarily associated with the business is sold on the premises; provided further that no person other than the member of the immediate family residing on the premises; provided, further that no mechanical equipment is installed except such is normally used for purely domestic or household purposes; provided further, that not over twenty-five percent (25%) of the total actual floor area of any story is used for home occupation or professional purposes.

Permitted home occupations shall exhibit no outward evidence that a business is being conducted on the premises. Furthermore, the permitted home occupation shall not negatively impact the

residential character of the neighborhood in which it is located. Neither outdoor storage nor use of any accessory building is permitted in the operation of a home occupation.

Home Based Business: A business in any occupation or profession carried on by one or more members of a family, residing on the premises, plus one additional non-resident employee, provided that no commodity other than those customarily associated with the business is sold upon the premises; provided further, that no mechanical equipment is installed except such as is normally used for purely domestic or household purposes; provided further, that not over twenty-five percent (25%) of the total actual floor area of any story of the dwelling or fifty percent (50%) of an on-site accessory building is used for the operation or storage of permitted home based business or professional purposes. No outdoor storage is permitted in association with the operation of a permitted home based business. Permitted home based businesses shall exhibit no evidence that a business is being conducted on the premises. Furthermore, the permitted home based business occupation shall not negatively impact the residential character of the neighborhood in which it is located.

Hospital: An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hospital, Veterinary: A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Hotel: A building occupied or used as a more or less temporary abiding place for individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

Housing for the Elderly: An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) years of age and older. Housing for the elderly may include:

1. Senior Apartments: Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.
2. Elderly Housing Complex: A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years or older or couples where either the husband or wife is sixty (60) years of age or older.

3. Congregate or Interim Care Housing: A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
4. Dependent Housing Facilities: Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Junk: Any motor vehicle, machinery, appliances, product, or merchandise with parts missing or scrap metals, or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junk Yard: Automobile wrecking yards and salvage areas and any area of more than two-hundred (200) square feet for the storage, keeping, or abandonment of junk, including scrap metals, other scrap materials, or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles, or other vehicles, or machinery, or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which three (3) or more dogs are either permanently or temporarily quartered.

Laboratory: A laboratory is a place devoted to experimental, routine study, or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

Land, Common: A parcel or parcels of land with 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 or a planned unit development.

Landfill: A parcel of land or part thereof used primarily for the disposal by abandonment, burial, dumping, burning, or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Limited Common Elements: Portions of the common elements reserved in the condominium master deed for the exclusive use of all the condominium co-owners.

Loading Space: An off-street space on the same parcel of property with a building or group of buildings, for temporary parking of commercial vehicles while loading and unloading merchandise or materials.

Lot: Land occupied or to be occupied by a use, building, or structure and permitted accessory buildings together with such open spaces, lot width and lot area as are required by this Ordinance and having its principal frontage upon a public street or upon a private way used for street purposes. A lot need not be a lot of record to be included in this definition.

Lot, Area: The total horizontal area within the lot lines of a lot.

Lot, Corner: A lot having at least two (2) adjacent sides abut for their full length upon a street, provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it is a corner lot. In the case of a corner lot with a curved street line, the corner is that point in the street lot line nearest to the point of intersection of the tangents described above.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The mean horizontal distance from the front street line to the rear lot line.

Lot Frontage: The length of the front lot line (See Frontage.)

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot 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 corner lot, or a double-frontage lot, it is that line separating said lot from that street which is designated as the front street on the plat or in the request for the zoning permit.

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 line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

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

Lots, Non-conforming: A lot of record which does not meet the dimensional requirements of this Ordinance.

Lot, Through or Double-Frontage: 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 street will be designed as the front street in the plat and the request for a building permit.

Lot of Record: A lot which actually exists as shown on the records of the County Register of Deeds, either in the form of a recorded map depicting the dimensions and configuration of the lot or as described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor, registered and licensed in the State of Michigan.

Lot Width: The mean horizontal distance between the side lot lines, measured at right angles to the side lot lines. Where the side lot lines are not parallel, the lot width shall be considered as the average of the width between such side lot lines.

Major Street: A main traffic artery designated in the Village of Mattawan Master Plan, Mattawan MDOT Map, or Street Map, as a major thoroughfare.

Massage Therapist (Certified): An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organization.

Master Plan or Comprehensive Plan: The master plan including graphic and written proposals indicating the development goals and objectives, the planned future use of all land with the village, as well as the general location for streets, parks, schools, public buildings, and all physical development of the Village of Mattawan, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mezzanine: An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story. A mezzanine shall be a full story when it covers more than fifty percent (50%) of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

Microbrewery: A brewer licensed by the State of Michigan which produces and manufactures in total, less than thirty-thousand (30,000) barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty-thousand (30,000) barrel threshold, all brands and labels of a brewer whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

Mobile Home (Manufactured Housing Unit): 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. Mobile home does not include a recreational vehicle as described and regulated herein for the purposes of this Ordinance. (See Dwelling, Manufactured, and Dwelling, Mobile Home.)

Mobile Home Park (Manufactured Housing Development): 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 non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park, subject to the conditions set forth in the Michigan Manufactured Housing Commission Rules and Michigan Public Act 419 of 1972, as amended.

Modular Home: A dwelling which consists of pre-fabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which shall not be considered a mobile home.

Motel: A series of attached, semi-detached, or detached rental units containing bedroom, bathroom, and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building.

Motor Home Park (Trailer Court): Any plot of ground upon which two (2) or more motor homes occupied for dwelling or sleeping purposes are located.

Municipality: The Village of Mattawan.

Nonconforming Use: A use of a building or of a parcel of land, lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current regulations of the zoning district in which it is located.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a property line which may be perceived by or affect a human being, or the generation of an excessive or concentrated movement of people or things such as : (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, or (o) invasion of non-abutting street frontage by traffic.

Nursery: An establishment where three (3) or more children not related by bonds of consanguinity or fostership to the family residing on the same premises, are for remuneration, cared for. Such facilities need not have a resident family on the premises, (See Child Care Organization.)

Nursing Home: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Act 139 of 1956, as amended, including convalescent homes or rest homes.

Occupancy: The purpose for which a building or part thereof is used or intended to be used.

Occupancy Load: The number of individuals normally occupying a building or part thereof or for which the exitway facilities have been designed.

Offset: The distance between the center lines of driveways or streets across the street from one another.

Off-Street Parking, Restricted Accessory: any parking area in a residential zoning district and intended to serve a business or industrial establishment, provided at least fifty (50) feet of the lot line of said parking abuts a business or industrial zoning district either directly or across an alley therefrom.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for parking or more than two (2) automobiles.

Open Air Business: Shall include the following:

Garden Supplies: The retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

Fruits and Vegetables: The retail sales of fruit and vegetables.

Recreational Uses: Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, driving range, children's amusement park, or similar recreation uses.

Sales, Servicing, and Rentals: Bicycle, trailer, motor vehicle, boats or home equipment sales, service or rental services.

Accessory Buildings: Outdoor display and sale of garages, swimming pools, and similar uses.

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 said structure.

Open Space: Lands open from ground to sky and devoted to outdoor recreation space, greenery, and resource protection. Developed open spaces may include, but is not limited to, playground fixtures, shelter, and tennis courts.

Open Space, Common: An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners, and occupants, and generally owned and maintained in common by them, often through a home owners or property owners association.

Open Space, Public: Any primarily undeveloped land intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

Open Storage: Any outdoor storage of building materials, sand, gravel, stone, lumber, equipment, or other supplies.

Outlot: A parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

Parcel of Record: An area described by metes and bounds description and which is not necessarily a lot of record in a subdivision plat, (See Lot of Record.)

Park, Municipal: A parcel of land that is used as a park and is operated under the supervision of the Village of Mattawan.

Park, Public: Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts, or otherwise intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Parking Space: An area for each automobile or motor vehicle, such spaces being exclusive of necessary drives, aisles, entrance or exits, and being fully accessible for the storage or parking of permitted vehicles.

Party Store: A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Petroleum Bulk Plant: An establishment where there is the storage of petroleum products in bulk and/or in packages, of distribution by tank car, tank vehicle, or motor truck.

Planned Unit Development (PUD): An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

Plat: A map of a subdivision of land.

Pool, Wading: Any receptacle utilized for holding water which has a water depth not exceeding twenty-four (24) inches.

Pool, Swimming: Any structure or container located above or below grade designed to hold water to a depth greater than twenty-four (24) inches or greater or a volume of greater than one-hundred and eighty (180) gallons, and intended for swimming or bathing.

Porch: An exterior appendage to a building which has a separate roof or a roof integral with the building which forms a covered approach to a doorway or vestibule.

Porch, Enclosed: A porch separated from the outside by an all-weather partition or a partition which renders the area inside the partition habitable.

Porch, Open: A porch not separated from the outside by either an all-weather partition or a partition rendering the area inside the partition habitable.

Portable signs (including "sandwich board" signs): A sign that is freestanding, not permanently anchored or secured to either a building or the ground. Utilized to announce special events, sales, etc. over a defined period of time. So-called "sandwich board" signs are "A" framed and can be defined within the context of portable signs within this Ordinance.

Property Line: The lines bounding a lot, the lot line.

Public Notice: A notice of the time, place, and purpose of a public hearing, which notice shall be posted in a manner and within a time frame as prescribed in this Ordinance or in applicable State law.

Public House (Pub) or Tavern: A restaurant licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to an consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other mechanical amusement devices.

Recreation Establishment, Indoor: 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 gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor: A privately owned facility designed and equipped for the conduct of sports, amusements, 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 for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and childrens= amusement parks.

Recreational Equipment: Equipment such as recreational vehicles, ice fishing houses, tents, boats, boat trailers, and similar equipment and cases or boxes used for transporting such equipment.

Recreation Land: Any public or privately owned lot or parcel that is utilized for recreation activities such as, but not limited to camping, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

Recreational Vehicle: Recreational vehicles shall include the following:

Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which the manufacturer may identify as a travel trailer. Travel trailers generally contain sanitary, water, and electrical facilities.

Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

Motor Home (Trailer Coach): a self-propelled motorized recreational vehicle intended, designed, used, or constructed, and duly licensable for travel and/or recreational usage, and for temporary human habitation, sleeping, and/or cooking and eating for one (1) or more persons, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

Folding Tent Trailer: A folding structure, mounted on wheels and designed for travel and vacation use.

Boats and Boat Trailers: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

Other Recreational Equipment: Snowmobiles, all terrain vehicles, special terrain vehicles, utility trailers, plus normal equipment to transport them on the highway.

Research Facilities: An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

Restaurant, Carry-out: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

Containers: Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.

Consumption: The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities in the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

Restaurant, Drive-in: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the consumer in a ready-to-consume state, and whose design or method of operation, or any portion of whose business, includes one (1) or both of the following characteristics:

Service: Foods, Frozen desserts, or beverages are served directly to the customer in a motor vehicle either by car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.

Consumption: The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged, or permitted.

Restaurant, Fast-food: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics:

Containers: Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.

Consumption: The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

Restaurant, Standard: Any establishment whose principal business is the sale of food, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following:

Service: Customers are normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which such items are consumed.

Consumption: A cafeteria style operation, where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Restrictive Covenant: A provision in a deed restricting the use of property and prohibiting certain uses. Such restrictions are binding on subsequent owners. Unless the Village has ownership interest in the property, a restrictive covenant is enforced by the parties to the agreement, not by the Village (also known as a deed restriction).

Retention Pond/Retention Facility: A pond and/or 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.

Right-of-way: A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles or placement of public and semi-public utilities and under the legal authority of the agency having jurisdiction over the right-of-way.

Roadside Stand: A temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district, land which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity for purposes of this Ordinance.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, kitchen, dining room, bathroom or bedroom equal to at least seventy (70) square feet in area. A room shall not include corridors, stairways and hallways. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den", "library" or other such related extra room(s) shall count such extra room(s) as a bedroom for the purpose of computing density.

Rubbish: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, etc.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, parabola, cone, or horn used to transmit and/or receive television, radio, and other electromagnetic communication signals between terrestrially and/or extra terrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, television reception only satellite antennas (TVRO), and satellite microwave antennas.

School, Charter (Public School Academy): A public school and a school district, subject to the leadership and general supervision of the state board over all public education. A charter school or public school academy is authorized by the executive action of authorizing board which may be the board of a school district, an intermediate school board, or the board of a community college or a state public university.

School, Home: A school which enables a child to be educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.

School, Nonpublic: A nonpublic school is any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

School, Public: A public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state board.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory structures, as required herein.

1. **Setback, Front:** The minimum unoccupied distance, extending the full lot width, between the principal and accessory structures and the front lot line. In the case of a through lot or corner lot, all sides fronting a street shall comply with the front setback requirements for the district in which the lot is located.
2. **Setback, Rear:** Minimum required unoccupied distance, extending the full lot width between the principal and accessory structures and the lot line opposite the front lot line.

3. **Setback, Side:** Minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory structures and the side lot line.

Setback, Parking Lot: The minimum horizontal distance between the street right of way or property line and the near edge of the parking lot, excluding necessary and/or approved driveways, frontage roads, and landscaping areas.

Sign: Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, or illuminating device, which sign is constructed, attached, erected, fastened, or manufactured in any manner whatsoever, and which is displayed in any manner out of doors for recognized advertising purposes.

Single Ownership: Ownership by one (1) person or by two (2) or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

Site Plan: A scaled drawing which shows the existing conditions, the location and dimensions of improvements upon a parcel of land, including but not limited to, location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, and drainage facilities, environmental features, and other elements required herein as applicable to the proposed development to ensure compliance with this Ordinance.

Solid Waste: Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but not including human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a re-user of slag or slag products.

Special Land Use: A land use, permitted within certain zoning districts, of such a nature that the Village has reserved the right to approve its exact location, subject to conditions stated in this ordinance and to any special conditions imposed by the Village of Mattawan Planning Commission to protect the use by right of other properties in the Village. (Also known as Special Use, Special Approval Use)

Special Use Permit: A permit issued by the Village of Mattawan Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as such pursuant to standards and procedures established in this Ordinance.

Spot Zone/Spot Zoning: Spot zoning occurs when a small area of land or section in an existing neighborhood is singled out and placed in a different zone from that of neighboring property. For example, a park or school might be allowed in a strictly residential area if it serves a useful purpose to the neighborhood residents. Whether the exception carved out is reasonable and supported by the facts, often turns on public interest, the effect the spot zoning has on the current uses of neighboring properties, and any ramifications created by the zoning.

Stable, Private: A stable for the keeping of horses for the use of residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two (2) horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one (1) acre of land for each additional horse stabled thereon.

Stable, Public: A stable other than a private stable, with a capacity for more than two (2) horses, and carried on within an unplatted tract of land of not less than ten (10) acres.

State Equalized Valuation: The value shown on the city assessment roll as equalized through the process of state and county equalization.

Steep Slopes: Slopes with a grade of twelve percent (12%) or more.

Stop Work Order: An administrative order either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Storage Yard: An area, lot and/or building dedicated to the safe keeping of goods, material, and/or items of various sizes and/or quantities in a warehoused fashion for future use (also see Open Storage).

Store, Supermarket: A retail store with more than twenty-thousand (20,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.

Store, Retail: Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Story: That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

A mezzanine shall be deemed a full story when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next above it is twenty-four (24) feet or more.

For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty percent (50%) of its height is aboveground level.

Story, Half: A half story is the part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (2) the floor area of said full story.

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

1. **Street, Collector:** A street that collects traffic from local streets and connects with minor and major arterials.
2. **Street, Cul-de-sac (Loop):** A street with a single, common ingress and egress, and with a turnaround at the end.
3. **Street, Local:** A street designed to provide vehicular access to abutting property and to discourage through traffic.
4. **Street, Private:** A privately maintained area used for ingress and egress to serve more than two (2) parcels of land or residential building sites and construction on a privately-owned easement.
5. **Street, Public:** A publicly maintained area used for ingress and egress which has been accepted by local, county, state or federal governments and/or a public road agency as a public street/public easement, or is used as such by the public.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

Structure: Anything constructed or erected which requires permanent location on the ground or attachment or something having such location.

Structural Alteration: Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

Structure, Outdoor Advertising: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including outdoor advertising statuary.

Subdivision: A subdivision as defined in the Village of Mattawan Code of Ordinances.

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. This definition is applicable whether or not the alteration affects the external dimensions of the structure. This definition, 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 or a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Telecommunications Towers and Facilities or Tower: All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities, short wave-receiving facilities, radio and television broadcast reception facilities, satellite dishes, federally licensed amateur (HAM) radio facilities, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Use or Building: A structure or use permitted by the Zoning Official to exist during periods of construction or special events.

Tents: A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children=s recreational purposes.

Thoroughfare, Major: An arterial street which is intended to serve as a large volume traffic way for both the immediate village area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, or equivalent term.

Thoroughfare, Secondary: An arterial street which is intended to serve as a traffic way serving primarily the immediate village area and serving to connect with major thoroughfares.

Tourist Home or Bed and Breakfast Inn: A use which is subordinate to its principal use as a private residence, owned by the operator, or within which the operator resides while offering sleeping accommodations and serving breakfast to transient tenants.

Townhouses: A residential structure or group of structures, each of which contains three (3) or more attached single family dwelling units with individual rear yards and/or front yards designed as an integral part of each single family dwelling unit.

Truck Storage: An area used for the temporary storage of private trucks or trucks for hire.

Truck Terminal: a structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the village or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

Use: The purpose for which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Conditional: A use of land which is permitted within a particular zoning district only if the applicable standards have been met and a site plan has been approved.

Use, Illegal Nonconforming: An existing use of land and/or structures, on the effective date of this Ordinance considered a nuisance, damaging to abutting property or hazardous to persons. Such use shall be discontinued and abated.

Use, Legal Nonconforming: Any use of property, use of land and/or structure(s) which was lawful at the time this chapter became effective and which now does not comply with its regulations. A LEGAL nonconforming use is a use that is in compliance with the requirements of this Ordinance as

identified in Article 22. An ILLEGAL nonconforming use is a nonconforming use that does not meet the requirements of Article 22.

Variance: A modification of required provisions of the Ordinance granted when strict enforcement of the Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The characteristics in granting a variance are (a) undue hardship and (b) unique circumstances as applied to the specific property involved. A variance is not justified unless both undue hardship and unique circumstances are present in the case.

Vehicle, Commercial: Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles:

1. Semi-trailer: A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone. Semi-trailer shall include trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies, and full or partial box-type enclosures, any of which above units exceed twelve (12) feet in height.
2. Truck Tractor: A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
3. Other Commercial Vehicles: Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body, or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. Commercial vehicles do not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles.

Veterinary Clinic or Hospital: An office of a duly licensed veterinary professional where diagnosis, treatment, surgery, and other veterinary care for domestic animals, horses, and livestock, and all other activities and rooming of animals are conducted within a completely enclosed building, except that a veterinary hospital may include outdoor boarding incidental to treatment.

Wall, Parapet: An extension of a building wall above the roof which may serve to screen roof mounted mechanical equipment.

Wall, Retaining: A permanent solid barrier of brick, stone, or other opaque material intended to enclose an area. For the purpose of this Ordinance, all supporting members, posts, stringers, braces, pilasters, or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. Moreover, all retaining walls shall be constructed and/or painted, tinted, or colored in one color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

Warehouse, Miniature or Self-Storage: A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled-access stalls or lockers for the storage of customers goods or wares.

Waste Receptacle Station: Any exterior space which is not a principal use for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

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: Certain wetlands regulated by the Michigan Department of Environmental Quality 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 and which is any of the following:

1. Contiguous to an inland lake or pond, or a river, or a stream;.
2. Not contiguous to an inland lake, pond, river, or stream, and more than five (5) acres in size, or
3. Not contiguous to an inland lake, pond, river, or stream and five (5) acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

Wholesale Store: Of, relating to, or engaged in the sale of goods in large quantities for resale. Usually consisting of retail space larger of over thirty-five square feet (35,000) that offer a wide choice of merchandise, often at reduced prices.

Wine Shop (Specialty): A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of wine or beer with an alcohol content under twenty-one percent (21%) by volume for consumption off the premises, however no more than ten percent (10%) of the gross floor area shall be dedicated for the storage, display, and sale of beer.

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, satellite dishes, federally licensed amateur (HAM) radio facilities, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

1. Attached Wireless Communications facilities (Antennae): Wireless communication facilities that are affixed to existing structures such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
2. Co-location: The location of two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennae within the village.
3. Wireless Communication Support Structures (Towers): Structures erected or modified to support wireless communication antennae. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.

Yard: An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level.

1. Front Yard: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. Rear Yard: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
3. Side Yard: A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Zoning Board of Appeals: The Mattawan Village Zoning Board of Appeals.

Zoning District (Zone): A portion of the Village within which specific regulations and requirements or various combinations thereof, apply as provided in this Ordinance.

Zoning Permit: The written authority issued by the Zoning Official permitting the construction, removal, moving, alteration, or use of a building in conformity with this Ordinance.

Zoning Official: The authorized individuals charged with the responsibility of administering this Ordinance and appointed by the Village Council.

**AN ORDINANCE TO AMEND THE VILLAGE OF MATTAWAN ZONING
ORDINANCE FOR THE DESIGN, INSTALLATION, AND
MAINTENANCE OF SOLAR ENERGY SYSTEMS**

THE VILLAGE OF MATTAWAN ORDAINS:

Section 1. That Section _____ (SOLAR ENERGY SYSTEMS) be added to Chapter _____ of Title ____ of the Code of the Village of Mattawan as follows:

Chapter __, SECTION _____ – SOLAR ENERGY SYSTEMS

(1) *Intent*

The Village of Mattawan seeks to promote the effective and efficient design, installation, maintenance and use of solar energy systems. The Village intends to permit these systems by regulating their siting, design, installation, and maintenance to protect public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Solar energy systems shall comply with the provisions of this section ***and are only permitted as authorized by this section.***

(2) *Definitions*

The following words and phrases shall have the following definitions when used in this Ordinance.

- (a) Solar energy system ("SES") shall mean items operating in conjunction to convert electromagnetic radiation emanating from the sun into electricity.
- (b) Ancillary solar equipment shall mean any accessory part or device of a solar energy system that does not require direct access to sunlight.
- (c) Solar collector surface shall mean any part of a solar energy system that absorbs solar energy for use in the system's transformation process.
- (d) Solar energy shall mean radiant energy received from the sun that can be collected in the form of heat or light by an SES.
- (e) A solar energy system (including solar collector surfaces and ancillary solar equipment) is either affixed to a permanent principal or accessory building or act as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electric, or heating water. Solar energy systems include, but are not

limited to, photovoltaic ("PV") power systems and solar thermal systems.

- (f) "Ground-mounted SES" shall mean a freestanding solar energy system that is not attached to and is separate from any building on the same parcel on which the solar energy system is located.
- (g) "Building-mounted SES" shall mean a solar energy system that is attached to a building on a parcel as the principal method of physical support.

(3) *Standards for SES*

No SES shall be installed in a Village Park. In zoning districts located in the Village other than R4 or HCBD, where no SES shall be allowed, a SES is permitted subject to the standards of accessory buildings in the relevant zoning district and the other provisions of this Ordinance. Any SES must be installed in conformance with all manufacturer specifications, all provisions of the Village and State of Michigan Building Codes and all other conditions set by the Village Building Inspector for the purpose of furthering health and safety concerns. The Village Zoning Administrator shall review and approve all drawings regarding a proposed SES for compliance with this Ordinance. The Village Building Inspector shall inspect all plans for installation and any SES actually installed and shall certify compliance with this Ordinance before an SES is used. The party seeking permission to install an SES shall be responsible for all costs generated by the Building Inspector. No SES panel shall produce an unsafe or unreasonable glare, as determined by the Zoning Administrator.

In zoning districts other than R4 or HCBD, a SES is permitted subject to the following standards:

(a) *Application for SES Site Plan*

A SES requires an approved SES site plan, and additional permits and as may be required in Section (c) below. An application for a SES site plan shall include the following:

- i. Manufacturing specifications of the proposed SES.
- ii. A drawing sufficient to indicate where the SES is to be installed on the property, including property setbacks and the total solar collector surface area, and total footprint of the SES.
- iii. Elevations showing the height of the SES.

- iv. A description of the screening to be provided for ground-mounted SES, where applicable.

(b) Ground-mounted SES

Any ground-mounted SES shall be subject to the following additional standards:

- i. Setbacks and Lot Coverage: A ground-mounted SES shall be located at least three feet from the property line and the SES and all related equipment shall cover no more than 35% of the side and/or rear yard areas outside of the required setback area, where applicable. No SES shall be installed in a front yard.
- ii. Height and clearance: A ground-mounted SES shall not exceed 15 feet in height, as measured from the ground to the highest point of the system. Ground clearance shall be at least 36 inches.

(c) *Building-mounted SES*

Any building-mounted SES shall comply with all applicable area, height, and placement requirements for principal buildings or accessory buildings in the relevant zoning district.

(d) *Ancillary solar equipment*

Ancillary solar equipment shall be located inside of a building or screened from public view from a public right-of-way. All ancillary solar equipment shall be screened consistent with this section, without compromising the effectiveness of the solar collectors. Solar storage batteries that are included as part of the solar collector system shall be placed in a secure container or enclosure that complies with the requirements of the building code, and when no longer in use shall be disposed of in accordance with applicable laws and regulations.

Section 2.
Charter.

This ordinance shall take effect and be in force as provided in the Village

CLERK'S CERTIFICATE

I, Terri McLean, Clerk of the Village of Mattawan, certify that at a regular meeting of the Village Council held on _____, at 7:00 p.m., at the Mattawan Village Hall, at which the following members were present:

_____	_____
_____	_____
_____	_____

The Council enacted Ordinance #_____, to become effective _____, and to be published pursuant to the provisions of the Village Charter.

_____ Ayes

_____ Nays

_____ Abstentions

