

CHAPTER 17.02 DEFINITIONS

For the purpose of enforcing the provisions of this title, certain terms and words used herein are defined as follows:

Access Aisle. An accessible pedestrian space between elements, such as parking spaces, seating, and desks that provides clearances appropriate for use of the elements.

Accessible / Barrier-free. A site, building, facility, or portion thereof that complies with the Uniform Federal Accessibility Standards (UFAS) and the Americans with Disabilities Acts, and that can be approached, entered, and used by persons with disabilities.

Accessible Route. A continuous unobstructed path connecting all accessible elements and spaces in a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

Accessory Building or Structure. A supplementary building or structure, or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same parcel of property as the main building.

Accessory Use. A use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building. An accessory use shall not exceed 15 percent of the land or building.

Adult Bookstore. An establishment having 15 percent or more of its stock in trade, books, video tapes, magazines, and other periodicals and/or photographs, drawings, slides, films, recording tapes, and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein this section), or an establishment with a segment or section devoted to the sale or display of such material which exceeds 15 percent of the gross floor area of the establishment.

Adult Business. An adult bookstore, adult motion picture theater, adult personal service business, adult novelty business, cabaret, massage parlor, or nude modeling studio as defined in this section.

Adult Day Care Facility. A facility which provides daytime care for any part of a day but less than 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 are not licensed, however those receiving funds through an Area Agency on Aging shall comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

Adult Foster Care Facility. A government or nongovernmental establishment that provides foster care including supervision, personal care, and protection in addition to room and board, to adults over 18 years of age for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing 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, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq., MSA 16.610 (61), et. seq., as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services.

The following additional definitions are provided:

1. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 24 hours a day for 5 or more days a week and for 2 or more consecutive weeks. Adult foster care facility homes shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential districts. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
2. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.
3. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
4. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

Adult Motion Picture Theater or Adult Live Stage Performing Theater. An enclosed building or room used for presenting motion picture films, video cassettes, cable 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 specified sexual activity or specified anatomical areas, as defined herein, for observation by patrons therein. Such an establishment is customarily open to the public, but only to one or more classes of the public, excluding any minor by reason of age.

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 5 or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" (as defined herein this section).

Adult Novelty Business. An establishment which offers more than 15 percent of its stock-in-trade devoted to the distribution, display, storage or sale devices which stimulate human genitals or devices designed for sexual stimulation, or instruments, devices, or paraphernalia designed for uses related to “specified anatomical areas” or as part of, in connection with, or related to “specified sexual activities” (as defined herein this section), or an establishment with a segment or section devoted to the sale or display of such material.

Adult Personal Service Business. A business having as its principal activity a person, while nude or while displaying “specified anatomical areas” as defined herein this section, providing personal services for another person. Such businesses include but are not limited to: modeling studios; body painting studios; wrestling studios; conversation parlors; theatrical performances or entertainment; establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, or steam baths; or 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.

The following uses shall not be included within the definition of an adult personal service establishment:

1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical professionals;
2. Gymnasiums, fitness centers and health clubs;
3. Electrolysis treatment by a licensed operator of electrolysis equipment;
4. Continuing instruction in martial or performing arts, or in organized athletic activities;
5. Hospitals, nursing homes, medical clinics, or medical offices;
6. Barber shops, beauty parlors, hair stylists, salons, and other establishments which offer massages by certified massage therapists; and
7. Adult photography studios whose principal business does not include the taking of photographs of “specified anatomical areas” as defined herein this section.

Adult Video Store. An establishment having 15 percent or more of its stock-in-trade devoted to the distribution, display, storage, or on-premises viewing of films, movies, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein this section), or an establishment with a segment or section devoted to the sale or display of such material.

Alley. A dedicated public way that affords a secondary means of access to abutting property and is not intended for general traffic circulation.

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

Antenna Structure. An accessory use that is a radio or television receiving antenna, satellite dish antenna or amateur ham radio antenna located outside of a building.

Apartment. A dwelling unit consisting of a suite of rooms or a room in a multiple family or commercial building arranged and intended as a place of residence of a single family or group of individuals living together as a single housekeeping unit.

Architectural Features. “Architectural features” of a building shall include, but are not limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile Repair. The general repair and service of automobiles and motor vehicles. Automobile repair is classified as either major, minor, or specialty repair of automobiles as follows:

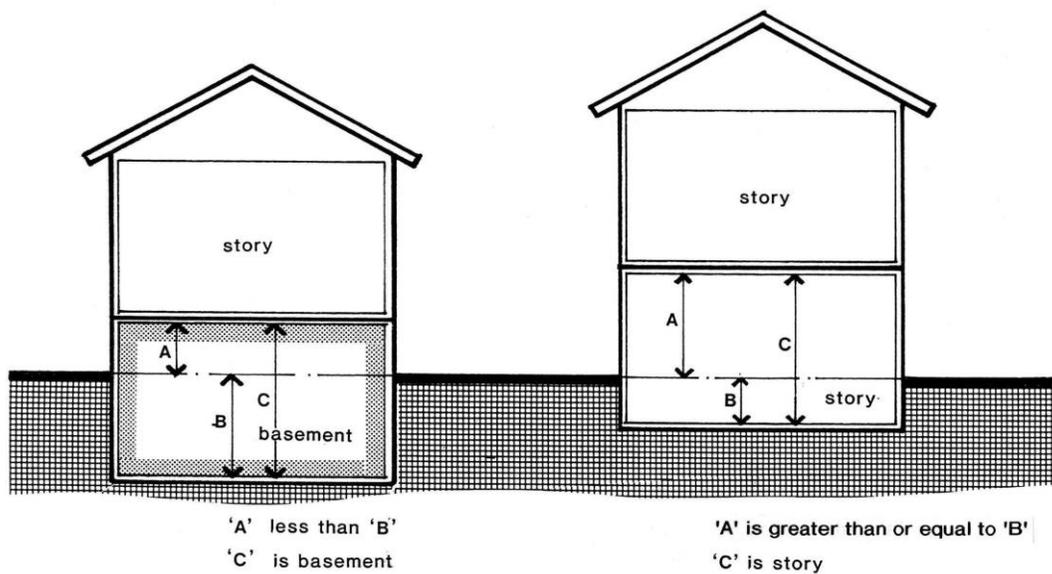
1. **Minor Repair:** Engine tune-ups, servicing of spark plugs, batteries, distributors and distributor parts; servicing of brakes and shocks, air conditioning and exhaust systems; oil change or lubrication; tire servicing and repair to include replacement, wheel balancing and alignment, but not recapping or retreading; installation or replacement of mufflers and tail pipes, water hoses, fan belts, brake-fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, mirrors, auto glass, accessory equipment, and the like; radiator cleaning and flushing; fuel pump, oil pump and line repairs; minor servicing and repair of carburetors; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises for more than 24 hours.
2. **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust proofing; 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 for longer than 24 hours.

Automobile Repair Shop, Major. A building or structure designed and used for major automobile repair, as defined herein this section.

Automobile Repair Shop, Minor. A building or structure designed and used for minor automobile repair, as defined herein this section.

Automobile Wash Establishment. A building or portion thereof, where automobiles or other vehicles are washed commercially.

Basement. That portion of a building wholly or partly, below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.



Basement and Story

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

Billboard or Off-premises Advertising Sign. A non-accessory sign, other than an on-premises sign, used for outdoor advertising purposes directing attention to a use, activity, business, establishment, message, merchandise, commodity, product, or service which is not necessarily conducted produced, manufactured, furnished, sold or offered upon the premises where the sign is located nor related to the premises upon which the sign is located.

Billiard or Pool Hall. Any establishment having 3 or more billiard or pool tables.

Body Piercing Studio. Any establishment having as its principal activity the piercing or puncturing of body parts with the object of displaying jewelry. A jewelry store or doctor's office that pierces ear lobes as part of its business shall not be considered a body-piercing studio.

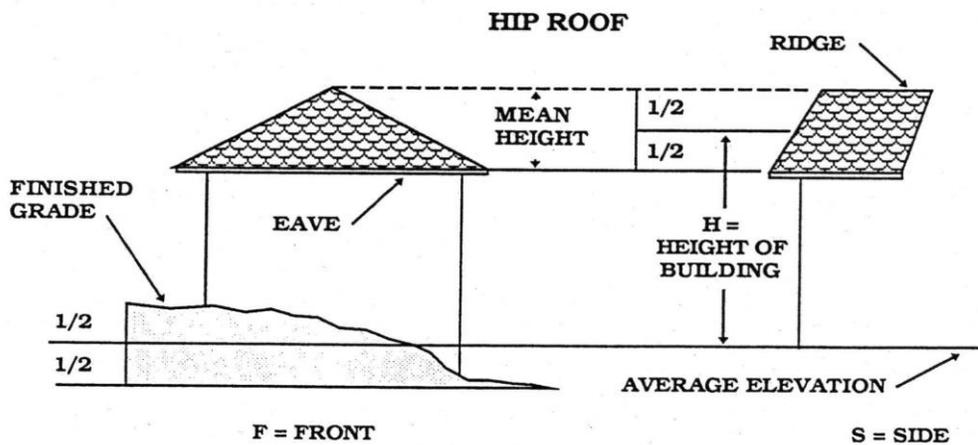
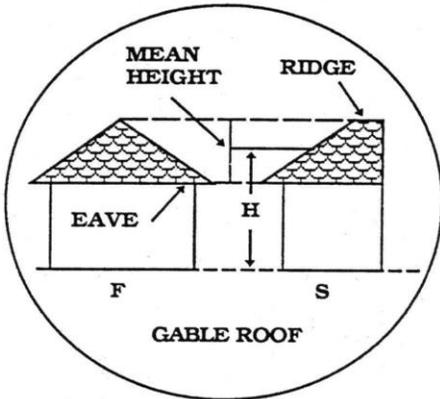
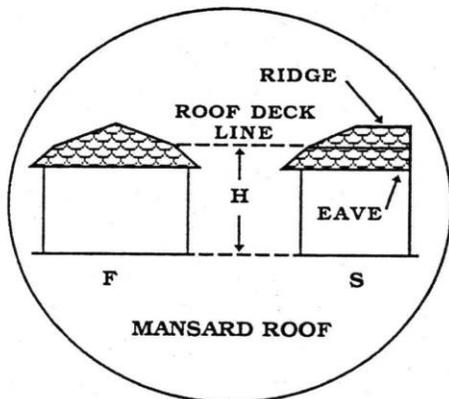
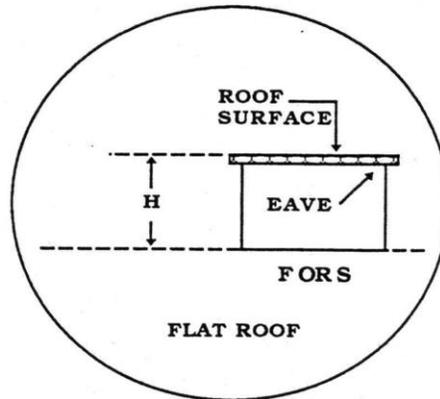
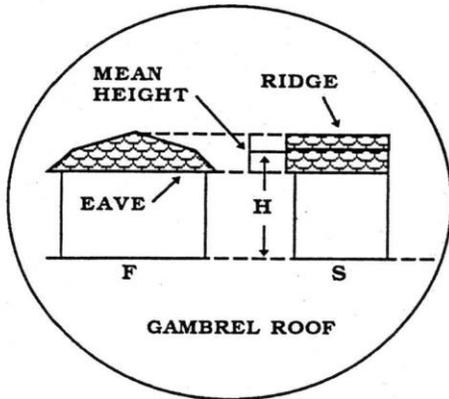
Brewpub. A restaurant, tavern, or pub, as defined herein this section, licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises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

Buildable Area. The space of a lot or parcel remaining after the minimum open space requirements of this title have been met.

Building. An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses or other accessory building.

Building Height. The vertical distance measured from the established grade of the building to the top of the highest roof beams of a flat roof; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

BUILDING HEIGHT



Building Official. The Building Official of the City of Hazel Park, or his authorized representative.

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

Business Recreation Establishment. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities; operated as a business; and open for use by the public for a fee. Fitness centers, bowling alleys, racquetball clubs, firearms ranges, golf courses, water slides, and batting cages and machines.

Cabaret. An establishment having as an activity the presentation or display of male or female impersonator, dancer, entertainer, waiter, or employee, who display specified anatomical areas as defined herein, and which may or may not feature the service of food or beverage.

1. **Group "A" Cabaret.** An establishment 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 "specified sexual activities" or "specified anatomical areas" (as defined herein this section) for observation by patrons therein.
2. **Group "D" Cabaret.** An establishment licensed by the Michigan Liquor Control Commission, which establishment offers beer or intoxicating liquor for consumption on the premises and features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, topless waitresses or similar entertainers.

Carport. A roof projecting from the side of a building, used as a shelter for an automobile.

Certificate of Compliance. A certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents.

Check Cashing Establishment. Any establishment other than a bank, savings and loan, or credit union that cashes patrons' checks for a fee. Check Cashing Establishment shall also include but not be limited to deferred presentments or cash advance.

Child Care Center. A facility other than a private residence, receiving one or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

The facility may also be described as a day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child 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 parents or guardians are attending religious services.

These facilities care for children under the age of 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.

Child Care Institution. A facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that purpose, and operates 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.

These facilities care for children under the age of 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.

Child Care Organization. A governmental or nongovernmental 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 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 below:

1. State Licensed Residential Facility. State Licensed Residential Facility means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, M.C.L. 400.701 to 400.737, or M.C.L. 722.111 to M.C.L. 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.
2. Foster Family Group Home. A private home or residence, other than a hospital, hotel, or motel, in which more than 4 but less than 7 children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian but are under the supervision of the licensee under said State law, who is a resident of the facility.
3. Family Day Care Home. A private home or residence, other than a hospital, hotel, or motel, in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.
4. Group Day Care Home. A private home or residence, other than a hospital, hotel, or motel, in which more than 6 but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.

Clinic. A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one professional such as a physician, dentist or the like.

Co-location. The use of a wireless telecommunications facility and/or site by more than one wireless telecommunications provider, or the location by more than one wireless telecommunications provider on a common support structure, tower, building, or other structure.

Commercial Use. Use of property where goods, wares, merchandise or personal services are purchased, sold, bartered, displayed, or exchanged, for more than 6 calendar days during a given one year period.

Commercial Vehicle. 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 10,000 pounds. Any commercially licensed vehicle that 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. "Semitrailer" 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 exceeds 12 feet in height.
2. **Truck Tractor.** A commercial vehicle which is capable of attaching to and propelling semitrailers, 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 by more than 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 9 feet. "Commercial vehicle" does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

Condominium. Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements, together with individual ownership in fee or a particular dwelling unit in such building. Condominiums shall be subject to the regulations set forth in the Condominium Act, MCL 559.101, et. seq., as amended.

Convalescent or Nursing Home. A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein 3 or more persons are provided cared. Said home shall also conform to and qualify for license under applicable state laws.

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 or momentarily out of their motor vehicle, rather than within a building or structure, so that consumption or provision of service within motor vehicles may be facilitated.

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 their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

Dwelling, Efficiency. A dwelling unit consisting of one room, exclusive of bathrooms, kitchens, hallways, closets or dining alcoves directly off the principal room.

Dwelling, Manufactured or Mobile Home. A dwelling, 8 or more feet in width and 32 or more feet in length and transportable in one or more sections, which is built on a chassis and designed to be used as a single family dwelling, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air-conditioning and electrical systems contained in the structure. A “manufactured dwelling” or “mobile home” does not include a modular dwelling, recreational vehicle, motor home, house trailer, trailer coach, or travel trailer.

Dwelling, Modular. A structure constructed in accordance with Michigan State Construction Code, as promulgated by the Michigan State Construction Code Commission under the provisions of the State Construction Code Act, MCL 125.1501, et. seq., as amended, in which individual components, none of which in and of itself is suitable for occupancy, are preconstructed and transported to the building site where they are in need of further assembly in order to constitute a complete dwelling ready for occupancy 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 shall not be considered a manufactured dwelling or mobile home.

Dwelling, Multiple. A building or portion thereof used for and as a residence for 3 or more families living independently of each other and each having their own cooking facilities therein.

Dwelling, Single-family. A detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family only; also known as a single-family dwelling.

Dwelling, Site Built. A dwelling unit that is substantially built, constructed, assembled, and finished on the premises that are intended to serve as its final location. Site-built dwellings shall include dwelling units constructed of precut 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 freestanding building designed exclusively for, and containing 2 dwelling units.

Dwelling Unit. Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel-trailer, mobile home, motor home, automobile chassis, tent or other portable building be considered a dwelling in a single-family, two-family or multiple-family residential area. 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 title and shall comply with the provisions thereof relative to dwellings.

Dwelling Unit, Attached. A freestanding building designed exclusively for, and containing 3 or more dwelling units arranged laterally and attached by common major structural elements, each with its own front and rear entrances; commonly referred to as terrace dwellings, row dwellings, or townhouses.

Dwelling Unit, Detached. A dwelling unit that is not attached to any other dwelling unit by any means.

Erected. Includes 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 Services. Includes the erection, construction, alteration or maintenance, by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, for the public health, safety or general welfare. Buildings are not included as essential services, other than those that are primarily enclosures or shelters of the above essential service equipment.

Excavation of Land. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, sand, garbage, rubbish or other wastes or byproducts.

Family.

1. An individual or group of 2 or more persons related by blood, marriage or adoption, together with foster children of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuous, nontransient, domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include 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 of for an anticipated limited duration of a school term or terms of other similar determinable periods.

Fence. A structure erected to act as a boundary marker, or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel.

First Floor Elevation. The portion of an exterior wall computed from the ground level to a height of 10 feet or to the ceiling height, whichever is less.

Floor Area, Total. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. The floor area of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher. (See also "Basement.") Floor area shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), the attic space having headroom of 7 feet – 10 inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in the floor area.

Floor Area, Usable. That portion of the total floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the employees or the public including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, The calculation shall exclude furnace and utility rooms, parking space located within a building, other mechanical equipment, unenclosed porches, public corridors and public toilets, whether located in a principal or an accessory building. In those cases where usable floor area cannot be determined by a detailed floor plan, usable floor area shall be assumed to be equal to 70% of the total floor area of the building.

Garden Center. A space, building or structure, or combination thereof, for the storage of live trees, shrubs and plants offered for retail sale on the premises including seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment. The definition of a garden center may include “nursery.” A garden center shall not include any space, building or structure used for the temporary sale of fruits, vegetables or Christmas trees.

Garage, Private. An accessory building greater than 200 square feet in area, typically used for the storage of motor vehicles for the use of the occupants of the property on which such building is located.

Garage, Public. A building or structure other than a private garage or garage for the storage or parking of more than 4 passenger motor vehicles or recreational vehicles, or more than one commercial motor vehicle.

Gas Station. A place used for the retail sale and dispensing of fuel or lubricants, either full or self-service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile fueling stations may also incorporate a convenience store, a restaurant, an automotive service center, or similar operations as an accessory use, provided it is clearly incidental to the fueling station use.

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. For building purposes, the grade line at the building shall not be less than 12 inches or more than 18 inches above the permanent sidewalk grade as established by the City Engineer.

Grade, Average. The arithmetic average of the lowest and highest grade elevations in an area within 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 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 with a given minimum width that is planted with trees or shrubs acceptable in species and caliper to and in compliance with the requirements of this title.

Home Occupation. The use of a single-family residence by an occupant of that residence to provide any of the following services:

- a) Give Instruction in a craft or fine art within the residence.
- b) Secretarial, phone order business, computer/internet services or sales.
- c) Mail order business.
- d) Accounting services, which provides for the drop off or pick up documents.

Hospital. A building, structure or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan.

Hotel. Any building containing guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy (dwelling units shall not exceed 10

percent), and in which one or more of the following services are offered: maid service; furnishing of linen; telephone, secretarial, or desk service; bellboy service. A hotel may include a restaurant, tavern, pub, or brewpub; a cocktail lounge or nightclub; public banquet halls; ballrooms; or meeting rooms.

Junk. Any motor vehicle, machinery, appliance, product or merchandise with any part missing or scrap metal or other scrap material that is damaged, deteriorated, or in a condition which cannot be used for the purpose for which the product was manufactured.

Junkyard. An automobile wrecking yard, salvage area or any area of more than 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 not including uses established entirely within enclosed buildings.

Kennel, Commercial. Any lot or premises on which 3 or more dogs, cats or other household pets, each 6 or more months old, are kept either permanently or temporarily boarded for sale, breeding, boarding, or training purposes. Kennels shall also include any lot or premises where household pets are bred or sold.

Lattice Tower. A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top, used primarily for radio and television antennae and wireless telecommunication facilities.

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

Lot. A parcel of land consisting of one or more lots of record occupied or intended to be occupied by one principal building or use together with any accessory buildings, or by any other use or activity permitted thereon, and including the open spaces and yards required under this title, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. (See the illustrations "Lot Terms" and "Corner, Interior and Double Frontage Lots.")

Lot, Corner. A lot having at least 2 adjacent sides abutting for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees.

Lot, Double Frontage. A lot having a frontage on 2 more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit.

Lot, Interior. A lot other than a corner lot with one lot line fronting on a street.

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

Lot Coverage. The part or percent of the lot occupied by buildings or structures including accessory buildings and permanent swimming pools.

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

Lot Line. Any line dividing one lot from another or from a street right-of-way or any public place.

Lot Line, Front. In the case of an interior lot, the line separating the lot from the street right-of-way. In the case of a corner or double frontage lot, the line separating the lot from that street which is designated as the front street in the plat and/or in the request for a building permit.

Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

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

Lot Width. The horizontal distance between the side lot lines, measured at the 2 points where the required front setback line, intersects the side lot lines.

Lot of Record. A lot, which is not necessarily a buildable lot, for which the dimension and configuration is shown on a map recorded in the office of the Register of Deeds for Oakland County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the Oakland County Register of Deeds.

Maintenance. Act of preserving from decline. Property and all structures on the property shall be kept in good working order, structurally sound, weather proofed, clean, sanitary, and not a detriment to the surrounding neighborhood. Repairs, replacement, alterations, and additions that require a permit shall not be considered maintenance.

Major Thoroughfare. A main traffic artery or a street defined in the Master Plan as "major traffic routes" and/or as an arterial or major street by the Michigan Department of Transportation. The following streets are designated as major thoroughfares: Eight Mile Road, Nine Mile Road, Ten Mile Road, Dequindre Road, John R Road, Woodward Heights Avenue, and the Chrysler Service Drives.

Manufacturing. The use of land, buildings or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing for sale of any goods, substance, article, or service.

Massage. The manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another for a fee.

Massage Parlor. An establishment wherein private massage is practiced, used or made available as a principal use of the premises.

Massage Therapist, Certified. An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organizations.

Master Plan. The comprehensive plan including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the City of Hazel Park, as well as the general location for streets, parks, schools, public buildings, and all physical development of the City of Hazel Park, and includes any unit or part of such plan, and any amendment to such plan or part thereof. Such plan shall be adopted by the Planning Commission and may or may not be adopted by City Council.

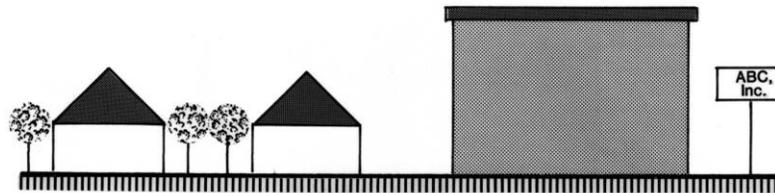
Mobile Home Park. A parcel or tract of land under the control of a person upon which 3 or more manufactured dwellings or mobile homes are located on a continual nonrecreational basis and which is offered to the public for the purpose regardless of whether a charge is made therefore, together with any 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 travel trailer park.

Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation, primarily used for wireless telecommunication facilities.

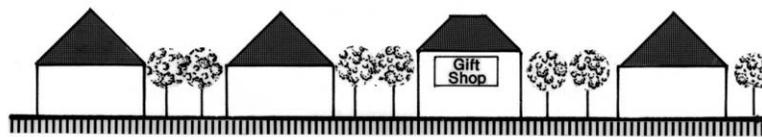
Motel. A building or a group of buildings with the majority of the rooms having direct access to the outside of the building or buildings, and occupied or used as a more or less temporary abiding place for individuals and in which no provision is made for cooking in individual rooms.

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

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



Nonconforming Building and Use



Nonconforming Use

(Residence converted to commercial use in residential district)

Nonconforming Use

Nude Modeling Studio. A 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” (as defined herein this section) for artists and photographers for a fee. This definition shall not apply to any accredited art school or similar educational institution.

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 the parking of more than 2 automobiles.

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

Party Store. A retail establishment that sells convenience store items and has more than 10 percent of its gross floor area in packaged beer, wine or liquor, or an establishment holding or required to hold an SDM (specially designated merchant) license from the Michigan Liquor Control Commission (MLCC) for the sale of beer, wine or liquor for consumption off the licensed premises.

Place of Worship. A building, the primary use of which is regular assembly of persons for religious worship or services, including churches, temples, synagogues, mosques, convents, monasteries, and others, together with accessory uses, such as reception halls, schools, cafeterias, and gymnasiums.

Pond. Any structure or container intended to be a decorative water feature holding less than 24 inches of water.

Porch, Enclosed. A covered entrance to a building or structure which is totally enclosed, which projects out from the main wall of such building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open. A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, which projects out from the main wall of such building or structure and which has a separate roof, awning, or canopy, or an integral roof with the principal building or structure to which it is attached.

Public Utility. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public: transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal.

Recreational Vehicle. The following vehicles shall be considered "recreational vehicles": travel trailers; pick-up campers; motor homes; folding tent trailers; boats and personal watercraft with associated trailers; snowmobiles; and all-terrain or special terrain vehicles. It shall not include motorcycles, motor bikes, and bicycles.

Restaurant, Carry-out. Any establishment whose principal use is the sale of food and beverages to the customer in a ready to consume state.

Restaurant, Fast-food. Any establishment whose principal business is the sale of food and 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.

Restaurant, Standard. Any establishment whose principal business is the sale of food and beverages to customers in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. Customers are served by a cafeteria-type operation, where food and beverages generally are consumed within the restaurant building.

Rooming House. Any dwelling occupied in such a manner that certain rooms, in excess of those used by the members of the immediate family and occupied as a home or family unit, are

leased or rented to persons outside of the family.

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, or other electromagnetic communication signals between terrestrially and/or extra terrestrially based sources. This definition includes “satellite earth stations”, “television reception only satellite antennas (TVRO)”, and “satellite microwave antennas”.

Scrap Metal Dealer. Means any person, corporation, partnership, limited liability company, or association, which in whole or in part engages in transactions of buying or receiving scrap metal from the public.

Self-storage Warehouse. A building or group of buildings in a controlled-access compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer’s goods or wares.

Senior Housing. Housing constructed for the exclusive use of an individual 55 years of age or older, or for a couple where at least one of the individuals is over the age of 55 years. Senior housing may include one or more of the following types of units: senior apartments for independent living; senior housing complexes (one or more buildings where the occupancy is restricted by age); and congregate housing (a type of semi-independent housing facility containing congregate kitchen, dining and living areas, and some special support services, but with separate sleeping rooms). (See also “Nursing Home.”)

Setback. The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines.

Shopping Center. A group of commercial establishments, planned and developed as a unit, with off-street parking provided on the property.

Specified Anatomical Areas.

1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region;
 - b. Buttock and anus; and
 - c. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered

Specified Sexual Activities.

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, actual or simulated, of human masturbation, oral copulation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast.
4. Human excretory functions as part of, or as related to, any of the activities described herein.
5. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to any of the activities described herein.

Story. That portion of a building, other than a mezzanine or basement, included between the surface of a floor and upper surface of the floor next above, or if there is no floor above, then the space between the floor and the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters.

1. **Basement.** A “basement” shall be considered as a story if over 50 percent of its height is above the level from which the height of the building is measured.
2. **Half Story.** A “half story” is that 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 of the floor area of said full story.
3. **Mezzanine.** A “mezzanine” floor shall be considered as a story when it covers more than 50 percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

Street. A thoroughfare or way, other than an alley, dedicated to the use of the public, and which affords traffic circulation and principal means of access to abutting property. Avenue, place, way, drive, lane, boulevard, thoroughfare, highway and road are synonymous terms for street.

Structure. Anything constructed or erected, the use of which requires location on ground or attachment to something having location on the ground. This includes buildings, decks, ponds, and swimming pools.

Swimming Pool. Any structure or container intended for swimming or bathing, located either above or below grade, and designed to hold water to a depth of greater than 24 inches. A swimming pool shall be considered as an accessory structure for the purpose of determining required yard spaces and maximum lot coverage. A hot tub or Jacuzzi shall be considered a swimming pool.

Tattoo Parlor. An establishment having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

Tobacco Shop. Any establishment having 30 percent or more of its gross floor area devoted to selling of cigarette, cigars, or smoking paraphernalia.

Temporary Building, Structure or Use. A structure or use permitted during periods of construction of the main use or for special events, for a specified period, but not to exceed one year, upon approval of the Building Official.

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

Travel Trailer. A portable nonmotorized vehicular unit primarily designed for travel or recreational usage, which may contain facilities for overnight lodging, and which does not exceed 8 feet in width or 32 feet in length. This term shall also include folding campers and truck-mounted campers, but not mobile homes.

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, Principal. The main use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the “principal use,” except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

Variance. A modification of the literal provisions of this title as approved by the Board of Zoning Appeals.

Video Game Arcade. Any establishment having 3 or more video games, pinball machines, or other similar mechanical or electronic amusement devices.

Video Store. An establishment having more than 15 percent of its stock in trade devoted to the distribution, display, or storage of video cassettes, DVD’s, or other visual representations of movies, concerts, or documentaries.

Wall, Screen. A permanent solid barrier of brick, stone, or other opaque material meeting the requirements of this title, intended to screen a use, storage, or dumpster.

Window. One or more panes of glass where both sides of the glass are readily made transparent. A door shall not be considered a window.

Wireless Telecommunication Antenna. The physical apparatus affixed to support structures, towers, buildings, or other structures through which telecommunications authorized by the Federal Communications Commission are transmitted or received. Antenna types include, but are not limited to: omni-directional whip antennae; directional panel antennae; ancillary antennae; and microwave dishes. A wireless telecommunication support structure proposed to be newly established shall not be included within this definition.

Wireless Telecommunications Equipment Shelter. The structure, shelter, cabinet or vault in which the electronic receiving and relay equipment necessary for processing wireless telecommunications is housed together with necessary related equipment.

Wireless Telecommunications Facility. All structures and accessory facilities, including wireless telecommunications support structures or towers, wireless telecommunications equipment shelters, wireless telecommunications antennae, and related equipment involved in 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 buildings, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. A wireless telecommunication facility shall be considered neither an essential service nor a public utility.

Wireless Telecommunications Support Structure or Tower. Any structure designed and constructed or modified to support one or more telecommunication antennae. Support structure and tower types include, but are not limited to, monopoles, guyed towers, lattice towers, utility poles and towers, light poles, and wooden poles.

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.

Yard, Front. 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.

Yard, Rear. 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.

Yard, Side. 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 main building.