

# Village of Lake Isabella - Codified Ordinances

## Article XII – Planning & Zoning

### Chapter 1204 – Definitions

Originally adopted; August 4, 1998 by Ordinance 1998-01

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Chapter 1204.01 Construction of Language  
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#### **1204.01 CONSTRUCTION OF LANGUAGE**

- The particular shall control the general
- In case of any difference of meaning or implication between the text and any caption or illustration, the text shall control.
- The term “shall” is always mandatory and not discretionary. The term “may” is permissive.
- Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- The term building includes the term “structure,” and vice-versa.
- A “building” or “structure” includes any part thereof.
- The term “lot” includes the term “parcel.”
- The phrase “used for” includes: “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”

#### **1204.03 DEFINITIONS**

For the purposes of Article XII (Planning & Zoning) of the codified ordinances of the Village of Lake Isabella the following definitions shall apply, unless otherwise defined herein;

Accessory Buildings and Structures: A subordinate structure on any property with a primary structure. The use of the accessory structure is shall be devoted to an accessory use of the primary structure or use

Accessory Use: Any use customarily incidental and subordinate to the main use of the premises.

Adult Entertainment Business: An establishment that offers its patrons services, merchandise, or entertainment characterized by an emphasis on matter depicting, describing, or relating to sexual activities.

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**Agricultural Labor Housing:** A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for migratory workers engaged in agricultural activities.

**Agricultural Supply Establishment:** An establishment selling supplies such as seed and fertilizer for use in soil preparation and maintenance, the planting, care, or harvesting of crops and plants; as well as feed and products essential to raising livestock or poultry.

**Aircraft Hangar, Commercial:** A structure used for the storage of five or more private aircraft, or the storage of any commercial aircraft; and featuring a door with an opening of at least forty feet (40') in width and ten feet (10') in height which is positioned in a suitable manner for aircraft to taxi to and from the runway.

**Aircraft Hanger, Private:** A structure used for the storage of four or fewer aircraft, and featuring a door with an opening of at least forty feet (40') in width and ten feet (10') in height which is positioned in a suitable manner for aircraft to taxi to and from the runway.

**Airport:** A publicly or privately owned facility licensed by the State of Michigan open for the landing or taking off of aircraft.

**Airport-Related Uses:** A use that supports or is supported by airport operations, including but not limited to; aircraft repair, aircraft maintenance, flight instruction, aircraft charter services, aircraft sales, aircraft rentals, aviation research, aircraft fueling, aircraft washing, and the storage or housing of aircraft.

**Alley:** A public way which affords only secondary means of access to abutting property and 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 or structure, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

**Amusement Park:** An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

**Antenna:** A device designed to receive video programming services or to receive and/or send radio signals (including HAM, CB, or DARS) or fixed wireless signals, other than via satellite, which is attached to a structure.

**Antenna, Dish:** An antenna constructed in a concave shape designed to receive direct broadcast satellite service, including direct-to-home satellite television service, or to receive and/or transmit fixed wireless signals via satellite which is attached to a structure.

Antenna, Free Standing: See Communication Towers.

Apartments: A room or suit of rooms, with its own bathroom and kitchen accommodations, used or designed to be used as a residence by a single-family or individual as a self-contained dwelling unit.

Arterial Street: A primary street or road which carries an uninterrupted flow of traffic from one major center to another.

Asphalt/Concrete Plant: A facility used for sorting, grading, storage, and/or mixing of aggregates for use in the production of asphalt and/or concrete. This includes administrative and office buildings associated with the facility, as well as storage of related equipment.

Assisted Living Facilities: A facility that has a combination of housing, supportive services, personalized assistance and/or health care designed to respond to the individual needs of persons, typically the aged or frail who need help with the activities of daily living. Such facilities may include a central or private kitchen, communal dining area, shared recreational or other facilities, while having separate bedrooms or living quarters.

Attached Single-Family Dwelling: A dwelling which is joined to another dwelling on at least one wall or side.

Automobile Repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, vehicle rust-proofing, and any related activities.

Automobile Wash: All or part of a building used in the business of washing motor vehicles.

Barbed Wire: Also known as “razor wire,” is a type of fencing wire constructed with sharp edges or points arranged at intervals along the strand(s).

Bars & Taverns: A location with a “Class C” or “Club” license to sell and consume alcohol and mixed drinks on the premises which does 50% or more of its gross revenue from the sale of alcohol.

Basement: A portion of a building which is partly below and partly above grade, but so located that the vertical distance from grade to the basement floor is greater than the vertical distance from grade to basement ceiling. A basement shall not be counted as a story.

Boarding House: A dwelling where lodging and/or meals for compensation where one or more rooms are occupied by persons by pre-arrangement for definite periods of time. This does not include a hotel, motel, convalescent or nursing homes.

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**Boat Launch**: A facility to launch and/or retrieve personal watercraft from a trailer.

**Boat Livery**: A commercial establishment providing boat hauling, launching, retrieving, and/or rental services

**Boathouse**: An accessory structure constructed either wholly or partially over water and designed primarily to provide shelter or storage for watercraft and related equipment.

**Borrow Pit**: An area for the excavation of sand or gravel where the volume of material extracted will be less than 10,000 cubic yards or an area for the excavation of sand or gravel which is three acres or less in size.

**Bowling Alley**: An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area.

**Breezeway**: A roofed, often open-sided passageway connecting two separate structures, such as a house and a garage.

**Brewery**: A facility that brews over 5,000 barrels annually of fermented malt beverages such as ales, beers, meads, and/or similar beverages on site for distribution and consumption off-site.

**Brewpub**: A restaurant that manufactures annually up to 5,000 barrels of fermented malt beverages on the premises for either consumption on-site or for wholesale.

**Building**: A structure, either temporary or permanent, having a roof supported by columns or walls used for the shelter, support, or enclosure of persons, or personal property; including tents, awnings or vehicles situated on private property. When any portion of a building is completely separate from every other part by division walls from the ground up, without openings, each part shall be deemed a separate building. The definition of building shall include only those structures with at least 200 square feet of usable floor area.

**Bulk Fuel Storage Center**: An establishment for the storage of petroleum products, in bulk and/or in packages for the distribution by tank car, tank vehicle or motor truck.

**Business Office**: Establishments providing direct services to consumers, such as insurance agencies, title insurance companies, real estate offices, travel agencies, and other similar uses where there is no retail or wholesale goods offered for sale on-site.

**Campground**: An area that is occupied or intended or designed for occupancy by transients using recreational vehicles, motor homes, travel trailers, and/or tents for temporary quarters.

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**Carport**: A freestanding accessory structure which has one or more open sides and a roof supported by posts or tubing, often times purchased as a kit.

**Commercial Agriculture**: The use of land and/or structures for growing and/or production of farm products for income including such operations as dairy farms, grazing and forage, raising of farm animals and production of farm products, agricultural services, animal husbandry or horticultural services, hay baling and threshing, fruit picking, harvesting and tilling.

**Child Care Center**: A state licensed facility other than a private home where one or more children are received for care and supervision.

**Commercial Agricultural Enterprise**: Land and structures which are part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a Generally Accepted Agricultural management Practices. Agricultural land includes woodland and wasteland that is a part of the farm unit

**Commercial Excavator**: An industrial use which stores heavy equipment and trucks on-site for off-site work which specializes in earth-moving activity, including but not limited to; drainage, water and sewer line construction, septic systems, excavations, and other similar activity.

**Communication Tower**: A structure and use by which communication signals of any type or frequency are relayed, transmitted, or received between locations.

**Clinic**: A building or group of buildings (facility) where outpatients receive diagnosis and treatment by more than one person engaged in a licensed profession.

**Condominium**: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the State of Michigan.

**Conservation Area**: Land maintained for the preservation and protection of plants and/or wildlife.

**Consignment Store**: An enclosed facility in which used personal items such as clothes, jewelry, or artifacts, or small furniture is resold through a broker for the owner at an agreed-upon price.

**Convenience Store**: A small retail establishment usually located within or associated with another use, which offers for sale convenience goods, such as prepackaged food items, tobacco, groceries, alcohol, periodicals, and other household goods.

**Cyclone Fence**: Also known as a “chain-link fence,” is a fence primarily comprised of interlocking metal wire or plastic mesh in a diagonal, criss-cross, or diamond pattern.

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**Day Care Homes, Family:** A private home in which one to six children are received for care and supervision.

**Day Care Home, Group:** A private home in which more than six children and not more than twelve children are received for care and supervision.

**Decorative Fence:** A fence constructed of wood, vinyl, pickets, split-rail, wrought iron or other metal constructed for its beauty or decorative effect as incorporated in a landscaped area with a height of three feet (3') or less, and with an opacity of 50% or greater.

**Distance:** For the purpose of this zoning code, whenever a distance requirement is listed, it shall be from parcel line to parcel line, unless otherwise stated.

**District:** A portion of the Village within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provision of this ordinance.

**Dry Cleaning Plant:** A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

**Dumpster:** A large bin, storage container, hamper, refuse container, roll-off cart, or roll-off box; in excess of 100 gallons utilized for the accumulation or storage of debris, trash, lumber, demolition materials, or other waste.

**Duplex:** A structure containing two dwelling units, each of which has direct access to the outside.

**Dwelling:** Any building, or portion thereof, used or designed for the residence of a person, or persons, with facilities for such humans to sleep, cook and eat; but not including motels, hotels or tourist cabins.

**Dwelling, Single Family:** A detached building designed and occupied exclusively by one family.

**Dwelling, Multi-Family:** A building, or portion thereof, used and designed to contain separate living quarters for three or more families; but which may have joint services or facilities.

**Dwelling, Two Family:** A detached or duplex building designed and occupied exclusively by two families living independently of each other; each family living in separate dwellings.

**Dwelling Unit:** One or more rooms designed or used as an independent housekeeping establishment for one family and containing kitchen facilities, including a stove or

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cooking device and a permanently installed sink, bathroom facilities and sleeping facilities.

**Earth Berm:** An earthen dike protected with ground cover, used as a visual, sound or contamination screen.

**Electric Pet Fence:** Commonly referred to as an “Invisible Fence,” is a fence located predominantly underground that uses an electronic transmitter and collar receiver to confine pets to an area.

**Essential Services:** The erection, construction, alteration or maintenance of overhead or surface or underground gas, electrical, steam or water distribution or transmission or collection systems; communications systems; supply or disposal systems; including mains, drains, sewer, pipes, conduits, tunnels, wire cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for furnishing adequate service for the public health, safety or welfare by public utilities or municipal departments or commissions.

**Excavation-Transportation Services:** Excavation–Transportation Services shall include farm drainage, water and sewer line construction, septic systems, and related excavation and transportation businesses.

**Existing Lot:** A parcel of land legally created prior to the adoption of this ordinance.

**Fairgrounds:** An area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, etc., and/or for carnival-like entertainment.

**Family, Single:** For the purposes of this zoning code, a single-family means either of the following:

1. A domestic family which is one or more persons living together and related by the bonds of blood, marriage, guardianship, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of the individuals being domiciled together as a single, domestic, housekeeping unit (and sharing only one common kitchen) in a dwelling.
2. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable permanent bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must operate as a single housekeeping unit (and sharing only one common kitchen). The definition shall not include any society, club, fraternity, sorority, college students living together, association, lodge, coterie, boarding arrangement, organization or group where the common living arrangement

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and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

**Farm:** Except as provided below, a farm is real property used for commercial agriculture comprising of at least 40 contiguous acres which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership or corporation and including all necessary farm buildings, structures and machinery.

1. A tract may be considered a farm if it is between five and 40 acres, provided it is devoted primarily to an agricultural use and has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
2. A smaller tract may be considered a farm if designated by the Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of \$2000.00 or more.

**Farm Animals/Fish:** Fish and Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep and other fur-bearing animals.

**Farm Building:** Any building or accessory structure which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building and/or milk house.

**Farm Operation:** A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to: Marketed products at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides and herbicides; and the employment and use of labor.

**Farm Products:** Those plants and animals useful to man and includes, but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber or fur.

**Farm & Heavy Equipment Sales & Service:** Establishments selling, renting, or repairing agricultural machinery and equipment, and/or excavation and construction machinery and equipment.

**Feedlot (CAFO):** A lot, structure, or building, or confined area used intensively for raising or keeping of more than six head of beef cattle or similar livestock for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate, but not including barns, pens or similar structures.



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**Filling Stations:** A location where flammable or combustible liquids are stored and dispersed from fixed equipment, including above ground tanks, for use off-site with no more than 400 total gallons of flammable or combustible liquids stored on-site at any time.

**Financial Institutions:** Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

**Fish Hatchery:** A facility devoted to hatching, raising, or rearing fish for use elsewhere.

**Fence:** An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening, or confinement, but not including hedges, shrubs, trees, or other natural growth..

**Fence Height:** Is the distance from grade level to the highest point on the fence, including posts. Ornamental posts /end caps less than six inches (6") shall not be counted towards the total height of the fence.

**Flea Market:** An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

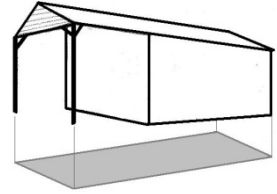
**Floor Area, Gross:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half ( $\frac{1}{2}$ ) of the basement height is above grade. "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), attic space having headroom of seven (7) feet, then (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

**Floor Area, Habitable (For Determining Minimum Building Size):** All horizontal floor area that has a minimum floor to ceiling height of seven feet (7') within the enclosed living space of a dwelling unit, measured from the interior faces of the exterior walls, provided, that usable floor area shall not include unfinished basements, cellars, unfinished attics, garages, breezeways, enclosed and/or unenclosed porches, space used for off-street parking, elevators, and accessory structures.

**Food Processing Plant:** Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-

products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

**Footprint:** The area occupied by a structure where posts, foundations, beams, piers, or other support apparatuses connect to the ground as shown on the accompanying illustration by the shaded area underneath the structure. The footprint shall be used to calculate the square footage of structures



**Fuel Storage Facility:** Facilities for the storage of propane and other related fuel sources solely for the personal, residential use of the owner or occupant of the lot it is located upon, and in no way shall fuel storage facilities include commercial sales.

**Funeral Parlor & Mortuaries:** A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Gas Station:** Any place where petroleum products such as gasoline, motor oil or diesel fuel are sold at retail and auto repairs may be made as a secondary activity.

**Garage, Attached:** An area of a primary structure used primarily for the storage of self-propelled vehicles.

**Garage, Detached:** An accessory structure with a footprint greater than 200 square feet used primarily for storage for the occupants of the primary structure to which it is subordinate to. For parcels located in the LR-1 or LR-2 Zoning District, this definition shall also include other such similar structures with a footprint greater than 200 square feet commonly known as; barns, cold storage, workshops, and other similar structures.

**Garage, Private:** Part of a primary structure used primarily for the storage including but not limited to, self-propelled vehicles (including boats) and/or associated trailers.

**Grade:** The established "grade" of the street or sidewalk shall be the elevation of the curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the average elevation of the street adjacent to the property line. When the word "grade" is used herein in relation to a building, it shall mean the line on the foundation wall where the ground meets or is intended to meet the wall.

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**Garden Fence:** Is a fence or other barrier placed around a garden or other vegetation to shield and protect the garden or vegetation from pests.

**Golf Courses:** A tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, equipment barns, maintenance facilities, and shelters as accessory structures and uses.

**Grain Elevator:** A facility consisting of silos, conveyors, bucket elevators, storage bins, weighbridges, and associated administrative and office structures which acts as a central collection point for grain products for future distribution.

**Greenhouse, Commercial:** An enclosed facility constructed chiefly of glass or translucent material which is used for the growing of plants, all or part of which are sold at retail or wholesale.

**Group Home, Family:** A private residence licensed under Public Act 218 of 1979 for six (6) or fewer adults to be provided with foster care for five (5) or more days a week for two (2) consecutive week. The adult foster care family group home licensee may be either a single person or two persons and is a member of the household and an occupant of the residence, but is not counted among the total adults.

**Group Home, Large:** A facility licensed under Public Act 218 of 1979, as amended, to provide foster care for at least thirteen (13) but not more than twenty (20) adults.

**Group Home, Medium:** A facility licensed under Public Act 218 of 1979, as amended, to provide foster care for at least seven (7) but not more than twelve (12) adults.

**Health Professional Offices:** An establishment used for the diagnosis, treatment, and care of human beings. This includes but is not limited to; doctor offices, dental services, chiropractors, urgent care, and clinics.

### **Height, Structure:**

1. **Primary Structure:** The vertical distance measured from the mean elevation of the finished grade line of the ground at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and the mean height level between eaves and ridge for gable, hip and gambrel roofs. All antennas, chimneys, and vents shall not exceed the maximum allowed height in the district where the primary structure is located.
2. **Accessory Structure:** The vertical distance measured from the highest point on the structure, excluding chimneys, to the mean finished grade abutting the structure on the side that faces the front yard.

**Home Occupation:** Occupations engaged within a dwelling or on the premises of a dwelling by the residents of the same. The occupation shall be incidental and subordinate to the principal use of the building for residential purposes.

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**Hotel/Motel:** A structure where a series of attached, semi-attached, or detached rental units containing bedroom, bathroom, and closet space wherein each unit has a separate individual entrance where persons acquire temporary lodging on a transit basis. Bed & Breakfast Homes are considered "Hotel/Motels."

**Household Pets:** Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes; provided they are not kept, bred or maintained for commercial purposes.

**Houses of Worship:** This term shall apply to any religious use, including but not limited to churches, synagogues, mosques, and accessory facilities such as assembly halls, auditoriums, gymnasiums, and other like uses.

**Indoor Recreation Centers:** An establishment that provides recreation opportunities such as but not limited to indoor tennis courts, indoor skating rink or similar forms of indoor commercial recreation. The sale of food and non-alcoholic beverages is considered an accessory use.

**Junk:** For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals, or other refuse, or parts of any of the above named or enumerated items, such as fenders, motors, electric motors, and like materials.

**Junkyard:** An area either open or enclosed where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, wood, and bottles.

**Kennel, Boarding:** An establishment where pet animals owned by another person are temporarily boarded for pay or other compensation, trained, and/or groomed.

**Kennel, Private:** The keeping, breeding, raising, showing, or training of four or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

**Laundromat:** A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises. As well as an establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

**Live-Work Structure:** A dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, which employs not more than two persons who do not reside in the unit are on the premises.

**Lot:** A lot is a parcel of land, of at least sufficient size to meet minimum requirements for use, coverage and lot area, adequate to provide such setback area and other

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open space as required by this ordinance. Such lots shall have frontage on a designated street, road right-of-way, or easement and may consist of:

1. A measured portion or a parcel or tract of land which is described and fixed in a recorded plat.
2. A parcel or tract of land of continuous area described by metes and bounds.

**Lot, Corner:** A lot situated at the intersection of two or more streets having an angle of not more than 135 degrees.

**Lot Line:** The line which defines the boundaries of a lot or parcel of land.

**Lumberyard:** An establishment where lumber and other building materials such as brick, tile, cement, insulation, roofing materials, and the like are sold at retail. The sale of items, such as heating and plumbing supplies, electrical supplies, paint, glass, hardware, and wallpaper is permitted at retail and deemed to be customarily incidental to the sale of lumber and other building materials at retail.

**Manufacturing, Heavy:** An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

**Manufacturing, Light:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

**Manufacturing, Medium:** The manufacturing of products from processed or unprocessed raw materials, where the finished product is noncombustible and nonexplosive. Examples include but are not limited to the production of the following: glass products made from manufactured glass; clay and pottery products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; fabricated metal products made from semi-finished metals.

**Marina:** Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide, slip rental, gasoline, sanitary pump-out service, food and drink accommodations.

**Mineral Extraction Industry:** Mineral extraction industries shall include earth removal, quarrying, gravel processing, mining and related mineral extraction businesses. Borrow Pits authorized by this Zoning Ordinance are not Mineral Extraction Industries.

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**Manufactured Home:** A factory-built, single-family dwelling that is manufactured under the authority of the National Mobile Home Construction and Safety Standards Act, as amended and enforced by the federal Department of Housing and Urban Development. A Manufactured Home is transportable in one or more sections, is built on a permanent chassis; is, or can be, titled by the State of Michigan as a “mobile home”; and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**Mobile Home Park, State Licensed:** Mobile home park means a parcel or tract of land under single ownership which three 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 change 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 in accordance with the Mobile Home Commission Act 419, Michigan Public Acts of 1976 as amended.

**Modular:** A sectional prefabricated structure or dwelling that consist of multiple modules or sections which are manufactured in a remote facility off-site and then delivered to their intended site of use.

**Modular Home:** A factory-built, single-family dwelling other than a Manufactured Home, which meets all of the following requirements: is designed only for erection or installation on a site-built permanent foundation; is not designed to be moved once so erected or installed; and is designed and built to comply with the State of Michigan Residential Building Code.

**Motor Vehicle Repair:** A place where major repairs are made to motor vehicles, including body work.

**Motor Vehicle Sales:** A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

**Motor Vehicle Service:** An establishment which provides minor repairs to any motor vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers, but not body work.

**Multi-family Dwelling:** A structure containing four or more individual and independent dwelling units.

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**Multimedia Production & Broadcast Facility:** A location for the staging, filming, recording, and/or broadcasting of video or audio productions. This includes, but is not limited to music, commercials, motion pictures, radio, television shows, and other related media.

**Non-Conforming Structure, Lot or Use:** Any lot use, building or portions thereof, lawfully existing at the time this ordinance became effective and which does not comply with its regulations or any subsequent amendments thereto.

**Nuisance:** Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

**Nursery:** An establishment for the indoor or outdoor growing, cultivating, harvest, and/or display of plants, shrubs, and other similar materials and associated supplies for sale on-site.

**Nursing Home:** A State of Michigan licensed long term care facility providing accommodation and supervised medical and personal care on a twenty-four (24) hour basis for aged or infirm persons. This definition includes facilities with the following licenses from the State of Michigan:

- Sub-acute care facility
- Home for the aged
- Nursing Home
- Hospice facility providing twenty-four (24) hour care

**Open Space:** Any unoccupied space, devoid of structures and open to the sky on the same lot with a building.

**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 of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent remodel or abandonment of a dam, it means the natural ordinary high water mark.

**Outdoor Recreation Facilities:** Outdoor recreational facilities shall include campgrounds, nature centers, riding stables, wildlife sanctuaries, conservation clubs, hunting clubs and gun clubs.

**Parking Area:** Any area, other than a street or other public way, used for the parking of motor vehicles. A parking area may be accessible for public or private use as an accommodation for residents, clients, customers or employees licensed motor vehicles.

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**Parking Space:** A hard surfaced area readily accessible by motor vehicles being not less than 200 square feet and shaped satisfactorily for such use. All parking spaces other than those for single-family or duplex dwellings shall provide adequate access by means of maneuvering lanes so that backing directly onto a street is unnecessary. In addition, adequate radii shall be provided to other vehicles necessary to service the site. All maneuvering lanes in off-street parking areas must be wide enough to permit at least one-way traffic movement so that ingress/egress to or from any parking space may occur independent of on-site parking by another vehicle. A parking space is exclusive of access drives and aisles and is not located on a public street or alley right-of-way. Spaces in tandem shall count as one space.

**Pawn Shop:** An establishment that engages in, in whole or in part, in the business of loaning money on the security of personal property as collateral.

**Payday Loan & Check Cashing Service:** A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check cashing facility" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for minimum flat fee not exceeding two dollars as a service that is incidental to its main purpose or business.

**Person:** Any individual, partnership, association or corporation or other entity to which the law assigns rights, duties and responsibilities.

**Personal Service Establishment:** Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

**Pet Enclosure:** Also known and sold as a "pre-fabricated kennel," is a cyclone fence style enclosure that utilizes panels connected in a fashion to confine a pet to an area.

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

**Picket Fence:** A fence made of wood, wood composite, vinyl, wrought-iron, or similar material which uses slats, or similar materials between posts.

**Planned Unit Development:** A development which permits integrated and coordinated residential dwellings and/or certain non-residential uses all to be developed according to approved plans as provided in Chapter 1282.



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**Playground:** An area developed for active play and recreation that may contain courts for such games as basketball or tennis as well as play apparatuses.

**Pole Construction:** A method of construction, usually for barns and other accessory structures, which use poles or pressure treated posts set into the ground to form a pier foundation.

**Pool Hall:** A building or portion thereof having within its premises three or more pool tables or billiard tables, or combination thereof, regardless of size, and whether activated manually or by the insertion of a coin, token, or other mechanical device.

**Predatory or Wild Animals:** Any animal not bred by humans or any animal which is likely to cause the death, maiming or illness of a human, including but not limited to the following animals: Alligator, Bee, Badger, Dog (wild family), Primate, Bear, Ferret, Skunk, Cat (wild family), Coyote, Snake, Lizard (poisonous) Weasel, and Wolf.

**Primary Use:** The principal or predominant use of a parcel or structure.

**Print Plant:** An establishment involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

**Private Cemetery:** A state licensed location dedicated to the burial and interment of human or animal remains and/or cremated remains including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

**Privacy Fence:** A solid fence which creates an opaque wall or screen which prevents views across the fence line.

**Privacy Panel:** Is a non-enclosure partition constructed in the style of a privacy fence, which is designed and placed in such a manner to prevent inward views to a certain area, or to screen the view of an un-aesthetic feature such as a propane tank.

**Private Parks:** A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

**Public Use:** Government owned facilities to which the public has access such as public parks, schools, administrative buildings; or government owned facilities where the public has limited or no general access which store equipment used for providing service to the public.

**Public Utility Facilities:** A facility including buildings, service yards, transformer stations, and substations used by a public utility company regulated by the Michigan Public Service Commission.

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**Quarry:** An area for the excavation of sand or gravel where the volume of material extracted will be equal to, or greater than, 10,000 cubic yards or an area for the excavation of sand or gravel which is greater than three acres in size.

**Racetrack:** A measured course where animals or machines are entered in competition against one another or against time, including tracks used only in the training of animals.

**Recreational Vehicle:** A vehicular transportable structure mounted on wheels that is self-propelled or towed by a motor vehicle, and which is designed to provide temporary living quarters for recreational, camping or travel use. This definition includes, but is not limited to, portable structures commonly known as: motor homes, travel trailers, travel homes, fold down campers, truck mounted campers, converted buses and fifth wheels.

**Recycling Drop-off Sites:** A designated site where residents may bring sorted, recyclable materials for processing and handling, which shall be operated in a manner that will control litter and pestilence.

**Research Facility:** An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

**Residentially Zoned Area:** For the purpose of this Ordinance, shall mean any area zoned as an LR-1, LR-2, LR-3, or AR district or any area zoned Residential by an adjacent unit of government.

**Restaurant:** A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages.

**Restaurant, Drive-thru:** Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

**Retail Establishment:** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**Right-of-Way:** A street, alley, thoroughfare, or easement permanently established for passage of persons or vehicles.

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**Roadside Stands:** An accessory structure for the seasonal retail sale of agricultural products grown and harvested on-site with no space for customers within the structure itself.

**RV, Trailer, Watercraft Service & Storage:** An establishment which provides for the outdoor storage of personal recreational items and vehicles stored in a secure manner typically by the use of a fence. This includes associated administrative and office buildings, as well as buildings which provide for the indoor storage of recreational items and vehicles.

**Salvage Yards:** An area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled. Waste items shall include, but shall not be limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. Salvage yards shall also include the dismantling, storage, salvaging or repair of automobiles or other vehicles, or of machinery or parts thereof.

**Sawmill:** A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

**School; Public, Parochial, or Private:** Any public or private school where educational instruction is provided for youths in grades Kindergarten through grade 12 graduation.

**School, Vocational:** An educational institution which provides specific technical skills and training to perform a trade or craft for professional purposes rather than general academic studies.

**Self-Service Storage Facility:** A building or group of buildings divided into separate individual units which are rented or leased for the storage of personal property.

**Setback, Structure:** The minimum linear distance by which a structure's footprint must be separated from the property line.

**Shed:** An accessory structure often purchased pre-built or part of a kit in pre-fabricated sections with a footprint equal to, or less than, 240 square feet used for storage.

**Shopping Center:** A group of retail, office, and/or service establishments with 10,000 or more square feet which is planned, constructed, and managed as a total entity with shared customer and employee parking provided on-site. This includes malls which are typically enclosed with a climate-controlled walkway between stores and strip malls which typically have individual entrances for each business which front a courtyard, walkway, or parking lot.

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**Sign:** Any announcement, declaration, display, illustration, or insignia used to advertise or promote the interests of any person, product or project when the same is placed, painted or displayed out of doors in view of the general public. Signs are regulated and defined in more detail in Chapter 632 of the Codified Ordinances.

**Single-Family Dwellings:** A detached building designed and occupied exclusively by a single family.

**Single Ownership:** Ownership by one or more persons, whether jointly as tenants as a whole or as tenants in common, of a parcel of real property.

**Small Group Home** – A facility licensed under Public Act 218 of 1979, as amended, to provide foster care for six (6) or fewer adults.

**Snow Fence:** A temporary light-weight fence of wood or plastic lath and/or wire erected to control the drifting of snow.

**Soil Removal:** Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock, or similar materials, except common household gardening and general farm care.

**Solar Energy Collector:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

**Solar Energy Facility:** A facility with equipment consisting of containers, heat exchanges, piping, and other transfer mechanisms (including fluids, gases, or solids), controls and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

**Solid Waste Facility:** A facility for the purpose of treating, burning, compacting, composting, storing, or disposing of solid waste material, including garbage, sewage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse.

**Special Land Use:** Any use of land listed as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands in particular, and the overall Village in general, requires approval by the Lake Isabella Village Council according to the standards as provided in this Article.

**Split-rail Fence:** Also known as a "corral fence," is a fence constructed out of timber logs, usually split lengthwise into "rails" and often connected by timber posts, typically used for agricultural or decorative fencing, or to define a property line.

**State Licensed Mobile Home Parks:** Mobile home park means a parcel or tract of land under single ownership which three 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 change is made therefore, together with any

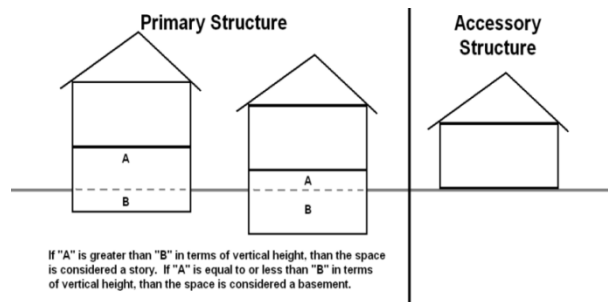
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building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park in accordance with the Mobile Home Commission Act 419, Michigan Public Acts of 1976 as amended.

**State Licensed Residential Facilities:** A structure completed for residential purposes and is licensed by the state under Public Act 218 of 1979 that provides resident services to six or fewer adults under 24-hour supervision or care. A Family Group Home and a Small Group Home are both considered State Licensed Residential Facilities as used in the zoning code for the Village of Lake Isabella.

**Stick-built:** A structure or dwelling constructed entirely or largely on-site; that is, built on the site which it is intended to occupy upon its completion rather than in a factory or similar facility. Structures that are custom-designed or built according to stock plans are considered stick-built so long as they are constructed on-site.

**Story:** The portion of a structure, other than a basement, between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story.



**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or anything attached to something having permanent location on the ground.

**Studio and Workshops:** An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

**Supermarket:** A retail establishment primarily selling food, as well as other convenience and household goods, which occupies more than 10,000 square feet of gross floor area.

**Swimming Pool:** A constructed basin or structure for the holding of water for swimming and aquatic recreation. The term "Swimming pool" does not include plastic, canvas or rubber portable pools temporarily erected upon the ground and holding less than 1,200 gallons of water. Natural or man-made ponds are not considered swimming pools.

**T-Lot:** The following single lots, as originally platted, are considered "T-Lots:" Lake Isabella North lots 55 through 73, Lake Isabella North lots 119 through 128, Lake Isabella Golf Estates II lots 329 through 347, and Lake Isabella Plat 3 lots 301 through 316. Parcels which are comprised of more than a single originally plat lot shall not be considered a "T-Lot."

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**Tattoo Parlor:** An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Telecommunication Tower:** An antenna and associated mechanical equipment, including accessory structures, which are used for a wireless communications network.

**Temporary Vendor:** A temporary vendor is a temporary use conducted by a person or business that engages in the selling of goods, wares, or merchandise that conducts business from a temporary structure or vehicle such as a tent, truck, cart, trailer, or other area outside of a permanent structure.

**Theaters & Assembly Halls:** A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances; as well as a facility available for rent which is used for assemblies, banquets, celebrations, group meetings, and similar events which may also include exhibition space.

**Townhouse:** A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**Use:** The nature by which a structure or parcel is permitted, utilized, employed or occupied.

**Variance:** A modification of the literal provisions of the zoning code granted when the strict enforcement of the zoning code would cause undue hardship owing to circumstance unique to the individual property for which the variance is requested. A variance shall not include allowance for uses other than those permitted in a zoning district but rather a variance shall only encompass a modification of the dimensional aspects of the zoning code.

**Veterinary Clinic:** An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Including the short-term boarding of such animals which may be necessary as a result of the animal's medical or surgical care.

**Warehouse, Distribution:** A facility where goods are received and/or stored for delivery or shipment to customers elsewhere.

**Warehouse, Retail:** A retail establishment selling only specific brands of the parent company at discounted prices.

**Wedding Venue, Outdoor:** An establishment that primarily provides the facilities and may also offer other event related services for weddings on a commercial basis. This does not include churches and similar congregations where weddings are an ancillary use.

**Wind Turbine:** A wind energy conversion device that produces electricity; typically three blades rotating about a horizontal axis and positioned up-wind of the supporting tower.

**Winery:** A facility used for the commercial purpose of processing of fruit and/or vegetables products into wine or similar spirits with an annual volume of 5,000 cases or more. Processing includes crushing, fermenting, blending, aging, storage, bottling, tasting, retail sales, wholesaling, and associated administrative and warehousing structures associated with the processing.

**Winery, Boutique:** An establishment that produces less than 5,000 cases of finished wine annually. This includes processing through crushing, fermenting, blending, aging, storage, bottling, tasting, retail sales, wholesaling, and associated administrative and warehousing structures associated with the processing.

**Yard:** An area of a parcel unoccupied at grade between a structure and the adjoining property line. In the absence of a structure on the parcel, no yards are considered to be established.

1. **Front yard/Street Yard.** The required open space area across the full width of a parcel extending into the parcel from the nearest public or private right-of-way. Yards shall be measured from the road right-of-way line to the nearest portion of the structure.
2. **Rear Yard/Waterfront Yard.** The required open space area across the full width of a parcel extending into the parcel from the rear parcel line to the primary structure.
3. **Side Yard.** The required open space area extending from the front/street yard to the rear/waterfront yard along each side of a parcel.
4. **Secondary Street Yard.** The required open space area across the width of a parcel extending into the parcel from a public or private right-of-way which is not used as the parcel's street frontage for access. Yards shall be measured from the road right-of-way line to the nearest portion of a structure.

**Zoning Administrator:** The administrative official appointed by the Village Council who is responsible for the enforcement of the zoning code of the Village of Lake Isabella.

**Zoning Board of Appeals:** (Also known as board of appeals.) This is the body which hears appeals on administrative decisions, variance requests, interprets the provisions of this ordinance and fulfills any other duties delegated to it by this or

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any other properly adopted ordinance in the Village of Lake Isabella in accordance with the provisions of Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).

All Other Words Not Defined: All other words shall have the meaning as defined in the most current Webster's New World Dictionary.