

ARTICLE I - SHORT TITLE [Amended 3/98]

SECTION 100: SHORT TITLE:

This Ordinance shall be known and may be cited as the City of Muskegon Zoning Ordinance.

ARTICLE II – DEFINITIONS [Amended 3/98]

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

1. All words used in the present tense shall include the future; all words in the singular number include the plural number, and all words in the plural number include the singular number; and the word "building" includes the word "structure", and the word "dwelling" includes "residence"; the word "person" includes "corporation", "association", as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel"; the words "used" or "occupied" includes the words "intended", "designed" or "arranged to be used or occupied".
2. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.
3. Unless the context clearly indicates to the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
4. Terms not herein defined shall have the meaning customarily assigned to them in the Webster New Collegiate Dictionary.
5. Terms defined:

Abutting (lot or parcel): A lot or parcel which shares a common border with the subject lot or parcel.

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. Does not include any building or structure designed to be used for human habitation.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult: A person eighteen (18) years of age or older or a person who is placed in an adult foster care family home or an adult foster care small group home pursuant to Section 5 (6) or (8) of 1973 PA 116, MCL 722.115. [amended 11/02]

Adult Bookstore: An establishment wherein more than twenty (20) percent of its stock in trade is comprised of books, magazines, and other publications having as dominant theme, matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined in this Article, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Foster Care Home or Facility: (See Foster Care Facilities - Adult) [amended 11/02]

Adult Motion Picture Theater: An enclosed building or outdoor area used for presenting filmed material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined in this Article for observation by patrons therein.

Agriculture: The carrying on of any agricultural activity, including the raising of trees, crops, plants, livestock, small animals or fowl.

Alcohol Manufacturing Facilities:

Brewpub – an establishment with a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license by the State of Michigan that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 5,000 barrels of beer per calendar year in Michigan and sell at those licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in sections 405 and 407 of the Michigan Liquor Control Act.

Micro Brewery – A licensed brewery that produces in total less than 30,000 barrels of beer per year and that may sell the beer produced to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises. In determining the 30,000-barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production of beer that are owned or controlled by the same person shall be treated as a single facility. These facilities may also contain a restaurant, bar or tasting room as an accessory use.

Brewery – A facility that is licensed by the Michigan Liquor Control Commission to manufacture and sell to licensed wholesalers beer produced by it. These facilities may also contain a restaurant, bar or tasting room as an accessory use.

Small Winery – a winery manufacturing or bottling not more than 50,000 gallons of wine in one calendar year. These facilities may also contain a restaurant, bar or tasting room as an accessory use.

Winery – a facility licensed to manufacture wine and sell that wine to a wholesaler, to a consumer by direct shipment, at retail on the licensed winery premises, to sell than wine to a retailer, and provided for in section 537 of the Michigan Liquor Control Act. These facilities may also contain a restaurant, bar or tasting room as an accessory use.

Small Distillery – a facility for manufacturing spirits not exceeding 60,000 gallons of spirits, or of all brands combined. These facilities may also contain a restaurant, bar or tasting room as an accessory use.

Distillery – a facility that is licensed by the Michigan Liquor Control Commission to manufacture and sell spirits or alcohol, or both, of any kind. These facilities may also contain a restaurant, bar or tasting room as an accessory use.

Alley: Any dedicated public way affording a secondary means of access to abutting property.

Antique Shop: A retail establishment which sells objects having special value because of age, especially domestic items, or a piece of furniture or handicraft esteemed for its artistry, beauty or period of origin. [amended 10/05]

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

Apartment House: (See dwelling, multiple-family).

Amusement Center: Any establishment providing recreation or entertainment games for pay including, but not limited to, pinball, video games, pool, bowling, bingo, miniature golf, and other like activities involving active participation by the customer.

Asphalt batching facilities: A temporary facility for the production and manufacture of asphalt paving material.

Assisted Living Facility: A combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a nursing home. The ‘activities of daily living’ are generally considered to include eating, bathing, dressing, getting to and using the bathroom, getting in or out of bed or chair, and mobility. [amended 11/03]

Automobile Repair:

1. Major automobile repair: General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame, or fender straightening or repair; overall painting or paint shops; vehicle steam cleaning.
2. Minor automobile repair: Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding one and one-half (1-1/2) ton capacity, but not including any operation specified under "major automobile repair".

Automobile or Trailer Sales Area: An open area other than a street used for the display, sale, or rental of new or used automobiles or other motor vehicles.

Automobile Wrecking: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see Figure 2-1).

Bed & Breakfast Facilities: A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit in which transient guests are provided a sleeping room and board in return for payment and which does not provide separate cooking facilities to such guests. Tourist Homes and Bed & Breakfast Facilities are identical for the purposes of this ordinance.

Bedroom: A room used exclusively for sleeping.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or stream or corporate boundary lines of the Municipality.

Board of Appeals: The Zoning Board of Appeals of the City of Muskegon (as provided for in this Ordinance).

Buffer Zone: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties

in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, sheds, garages, greenhouses, and other principal or accessory structures.

Building Lines: A line which defines the minimum distance (as determined by the minimum front, side, or rear setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark. [amended 10/02]

Building Official: Any individual established by the City of Muskegon to administer and enforce the provisions of all building codes as adopted and amended.

Building Permit: A permit issued by the city signifying that a proposed repair, reconstruction, or construction complies with the construction codes of the city and other ordinances.

Building, Principal: A building in which is conducted the main or principal use of the lot on which it is located.

Cabaret: Any place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, singers, comics, or similar entertainers.

Caliper: The diameter of a tree trunk four feet (4') from the ground.

Campus: The grounds of a school, college, university, hospital, or governmental entity, when said grounds contain more than one principal building and drive entrances (or access) onto more than one road. [amended 2/03]

Carport: A partially open structure of any construction type (including temporary carports), intended to shelter one or more vehicles. Such structures shall comply with all setback requirements applicable to garages. [amended 10/02]

Cellar: See definition of Basement.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Compliance: See certificate of occupancy.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use after the construction/reconstruction of a structure or building

which acknowledges that such use, structure or building complies with the provisions of this Ordinance.

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

Child Care Center or Day Care Center: A facility other than a private residence, receiving 1 or more minor children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center does not include a facility that provides care for less than 2 consecutive weeks, regardless of the number of hours or care per day. The facility is generally described as child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group, or drop-in center. Child care center or day care center does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such services are attending religious activities. [amended 8/97]

Child Day Care (Home): As defined in PA 116 of 1973, MCL 722.111, or successor amendments or acts, means a private home in which more than 6 but not more than 12 minor 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. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

City Commission: The governing body of the city as provided in Chapter IV of the City of Muskegon Charter.

Clearing (Land): The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide agricultural or garden use in a district permitting such use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Clinic: An establishment where human patients who are not lodged over night are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions.

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

Cluster Subdivision (PUD): A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

Colocation: The use of a wireless telecommunication support facilities by more than one wireless telecommunication provider. [amended 12/97]

Condominium Project: Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59, 1978), as amended or a successor act.

Condominium Project (Subdivision): A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended, or successor act. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of a condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision project which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision project, as well as the nature, location and size of common elements.

Condominium Unit: Is defined as that portion of a condominium project or condominium subdivision project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure.

Any "condominium unit" consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of a condominium subdivision project with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Condominium Documents: The master deed, recorded pursuant to the Condominium Act, P.A. 59 of 1978 as amended, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner of the condominium.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Convalescent Home: An installation other than a hospital where two (2) or more persons afflicted with illness, injury or an infirmity are housed or lodged, and furnished with nursing care. [amended 11/03]

Correction Facility: A jail, prison, lock-up, or other building for the incarceration and residence of prisoners, offenders, persons arrested or persons committed by a court or other lawful authority.

Correctional Facility, Secured: A correctional facility which is constructed, altered or designed to prevent an inmate or resident from leaving at any time except under the authority of the committing court or authority.

Correctional Facility, Non-Secure: A correctional facility which is constructed, altered or designed to provide supervised residence and coming in and leaving at scheduled or supervised times or under supervised circumstances, of persons who are committed or assigned to the facility by a court or other lawful authority, such as a parole or probation department.

Craft Shop: Any business establishment which produces articles for sale on the premises of artistic quality or effect, or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

dBA: A measurement for sound pressure or the relative loudness of sound in decibels as measured on a sound level meter using the A- weighting network. A decibel (dB) is a unit for measuring the volume of a sound equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20) micronewtons per square meter. All sound measurements shall be made on a sound level meter which meets American National Standards Institute (ANSI) specifications S1.4-1983; S1.4A-1985 or successor documents for type I or type II equipment. The sound level meter must include a peak/hold circuit when measuring impulsive sound.

Deck: A floored structure that adjoins a house.

Development: The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use. Development also means any man-made change to improved or unimproved real estate, including but not limited to parking, fences, pools, signs, temporary uses, clearing of land, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Development Permit: A permit signifying compliance with the provisions of this Ordinance as to design, use, activity, height, setbacks, density, site planning, special use status, and/or planned unit development status.

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

Density: The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting surface

water, undevelopable lands (e.g., wetlands) and the area in rights-of-way for streets and roads (See Figure 2-6).

District: A portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the City or State of Michigan.

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.

Dwelling Unit: A building, or structure of portion thereof, designed for occupancy by one (1) family for residential purposes as a single housekeeping unit. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.

Dwelling, One Family: A building designed exclusively for and occupied exclusively by one (1) family.

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

Dwelling, Multiple Family: A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

ECHO Housing Unit: A single, complete, self contained living unit created within an existing single family dwelling. It has its own kitchen, bath, living area, sleeping area, usually a separate entrance and is intended to provide accommodations for up to two (2) family members, as defined in the ordinance, of the family occupying the dwelling.

Easement: A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for open space, recreation, drainage or access purposes.

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

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, public communication, supply or disposal systems, including, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

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

Family: means one of the following:

Family, Domestic: One or more persons living together and related by the bonds of blood, marriage, guardianship, foster relation, or adoption, and not more than two additional unrelated persons, with all such individuals being domiciled together as a single, domestic, housekeeping unit in the dwelling.

Functional Family: The following persons shall be considered a functional family: 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 bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional family must be cooking and otherwise housekeeping as a single, nonprofit unit. At least one person in the functional family must be the record or equitable owner of the property or dwelling unit, or the primary tenant under a written lease having a least one year's duration. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, rooming house, rooming units, or group where the common living arrangement 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. The definition of functional family shall not include a living arrangement where there exists less than 225 square feet of living space in the dwelling unit per person residing therein, or insufficient off-street parking located entirely on the property for all vehicles used by the said residents.

Applicability: Living arrangements which would otherwise comply with the description of a family shall not constitute a family if the said arrangements have occurred as a result of commercial or other advertising, or the offering of rooms for rent. Any financial arrangement, except a true sharing of the expenses of all the facilities in the single household unit shall be presumed to constitute renting a room or rooms, and to have resulted from the offering of rooms for rent or commercial or other advertising. Where rooms have been rented, or persons live in the house in response to commercial advertising or the offering of rooms for rent, the living arrangement shall be presumed to

constitute a rooming house and not a family. A person claiming the status of family shall have the burden of proof of each of the elements set forth in the relevant definitions of this ordinance.

Family Day Care Home: A private home in which 1 but fewer 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, guardianship or adoption. Family day care home does not include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year [amended 8/99].

Fence: An accessory structure artificially constructed as a barrier and made of wood, metal, stone, brick, or any manufactured materials erected for the enclosure of yard areas.

Fence, Obscuring: A barrier of at least five (5) feet in height and located so as to serve as a screen or barrier providing at least eighty (80) percent visual block.

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

Flood or Flooding: A general and temporary complete inundation of normally dry land area from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Area: That area subject to flooding, on the average of at least once in every hundred years as established by the Federal Emergency Management Agency.

Flood Hazard Boundary Map (FHBM): An official map of the community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM): An official map of the community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

Floor Area, Residential: The area in a dwelling unit included in the determination of occupancy restrictions. It includes the sum of floor areas of bedrooms, and common living areas. The floor area of storage areas and closet, basements without a second egress, attached garages, breezeways, and enclosed and unenclosed porches shall be excluded.

Floor Area, Usable (for the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the product of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Footing: That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.

Foster Care Facilities - Adult: [per State Law] [amended 11/02]

Adult Foster Care Facility: A governmental or nongovernmental establishment that provides foster care to adults, subject to the Michigan Foster Care Facility Licensing Act, Act 218 of 1979.

Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Adult Foster Care Small Group Home: An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.

Adult Foster Care Large Group Home: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

Adult Foster Care Congregate Facility: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Foster Care Facilities - Family: [amended 11/02]

Foster Family Home: A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood, marriage, guardianship or adoption, are given care and supervision for 24 hours a day, or 4 or more days a week, of 2 or more consecutive weeks, unattended by a parent or legal guardian.

Foster Family Group Home: A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood, marriage, guardianship 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.

Adult Foster Family Home: Any facility licensed by the State to provide foster care.

Fraternity House or Sorority House: A dwelling maintained exclusively for members affiliated with an academic or professional college or university, or any other recognized institution of higher learning.

Freight Transportation: Establishments primarily engaged in the transportation of freight as defined by standard industrial codes 4424 and 4432. [amended 4/00]

Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Service: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Gasoline, Service Station (Automobile Service Station): A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Golf Course/Country Club: Any golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs, trees, or plants to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Group Day Care Home: A private home in which more than 6 but not more than 12 minor 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, guardianship or adoption. Group day care home does not include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year [amended 8/99].

Gun Club: Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms.

Height: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the midpoint of the roof surface.

Home Occupation: An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Hospice Care: The combination of active and compassionate therapies intended to comfort and support terminally ill patients (and their families) at the end of a person's life. [amended 11/03]

Hospice Care Facility: A physical structure operated for the purpose of providing more than one hospice patients with hospice care. [amended 11/03]

Hospital: A building, structure or installation in which mentally ill, or sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.

Hotel: A building or part of a building, with a common entrance or entrances, in which lodging is provided and offered to the public for compensation and which is open to transient guests (as distinguished from a boarding house or lodging house, apartment hotel, fraternity or sorority house), and in which one or more of the following services are offered:

1. Maid service.
2. Furnishing of linen.
3. Telephone, secretarial, or desk service.
4. Room service.

A restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms may be located in the same building as a hotel.[amended 9/05]

Housekeeping unit: A dwelling unit which provides common living quarters including cooking, eating, sanitation facilities, living areas and separate bedrooms.

Junk: For the purpose of this Ordinance the term junk shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing or scrap metals or other trash, solid waste, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. It includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building.

Junk Yard (Salvage Yard): An open area where salvage, used or second hand material, is bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for

storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kennel, Commercial: Any premises on which more than three dogs or more than four cats, older than four (4) months old, are kept or any premises which offers cats or dogs for sale on a reoccurring basis (more than once per year). [amended 11/03]

Landfill: Any disposal area or tract of land, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain solid waste as herein defined.

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.

Lightering: A barge used to load or unload ships anchored in a harbor. [amended 4/00]

Livestock: Horses, cattle, sheep, goats, and other useful animals normally kept or raised on a farm or range.

Loading Space: A minimum ten by fifty foot (10' x 50') off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials. [amended 11/03]

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

Lot: Land described in a recorded plat or condominium unit in or condominium project, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the City (see Figure 2-6).

Lot Area, Gross: The area contained within the lot lines or property boundary including street right-of-way, floodplains, wetlands, and waterbodies (see Figure 2-6).

Lot Area, Net: The total area of a horizontal plane within the lot lines of a lot, exclusive of street right-of-way, floodplains, wetlands, waterbodies, any public street right-of-way or access easement abutting any side of the lot (see Figure 2-6).

Lot, Corner: A lot which has at least two contiguous sides abutting upon a public street for their full length (see Figure 2-9).

Lot, Depth of: The average distance from the front lot line (i.e., road frontage) of the lot to its opposite rear lot line measured in the general direction of the side lines of the lot (see Figure 2-5).

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located (see Figure 2-7).

Lot Frontage: The unbroken length of the front lot line which is contiguous to a public street or private road.

Lot, Interior: A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (see Figure 2-7).

Lot Lines: The lines bounding a lot or parcel (see Figure 2-7). [amended 10/02]

Lot Line, Front: The line(s) separating the lot from any street right-of-way, private road or other access easement. Such line shall be continuous at least a sufficient length to conform with the minimum lot width requirement of the district.

Front Lot Line, Principal: For a corner lot, the front lot line adjacent to the street which the front door of the home faces (or is proposed to face).

Front Lot Line, Secondary: For a corner lot, the front lot line which is not considered to be the principal front lot line.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. In the case of a corner lot, the lot line opposite the principal front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by city officials, and which has not been combined in use with another parcel or lot, which lawfully existed prior to the enactment of this or a zoning ordinance previously in effect .

Lot, Through: An interior lot having frontage on two (2) more or less parallel streets (see Figure 2-4).

Lot Width: The horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.

Marina: A boat basin which contains docks, boat sales, on shore storage, repair facilities, and stores intended for sale primarily for the use of the marina patrons.

Marine Cargo Handling: Establishments primarily engaged in activities directly related to marine cargo handling from the time cargo, for or from a vessel, arrives at shipside, dock, pier, terminal, staging area, or in transit area until cargo loading or unloading operations are completed. [amended 4/00]

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan and all other documents required by law to be attached or incorporated.

Master Land Use Plan: The statement of policy by the City Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner creating desirable community living conditions.

Mezzanine: A small extra floor between one floor of a building and the next floor up, or if no floor above then the ceiling next above. The mezzanine shall not occupy more than one-third (1/3) of the floor area of such story below it and at least one wall must be open to the adjacent living space below. In no case shall a mezzanine expand the roofline, such as with a dormer. [amended 12/09]

Mini Storage (Warehouse) Facilities: A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

Mobile Home Park: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nontransient basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported to a site where they are assembled on a permanent foundation to form a dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Motel: A building or group of buildings, whether detached or in connecting units, which shall provide for overnight or resort lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle. The term motel shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

Municipal Sewage Treatment Facility: A sewage treatment system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of such governmental units.

Municipal Water Supply: A water supply system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of such governmental units.

Municipality: The City of Muskegon.

Natural Features: Natural features shall include soils, wetlands, woodlots, landmark and specimen trees, overgrown fence rows, floodplains, water bodies, topography, vegetative cover, and geologic formations.

New Construction: Structures or development for which the "start of construction" commenced on or after the effective date of adoption of this Ordinance.

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

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

Nonconforming Lot of Record (Substandard Lot): A lot lawfully existing at the effective date of this zoning ordinance or a successor or amending ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

Nursing Home: See Convalescent Home. [amended 11/03]

Occupied: The word "occupied" includes arranged, designed, built, altered, converted to, rented, leased, or intended to be occupied.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

Open Space, Common: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Open Space Development: A type of residential development option permitted in this Ordinance, and administered as a planned unit development, which is based upon a portion of a parcel set aside as permanent open space with the balance of the parcel used at higher densities than would otherwise be permitted without the open space. See also "clustered subdivision".

Open Space, Dedicated: Common open space dedicated as a permanent recorded easement.

Open Space, Usable: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation.

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.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Area, Off-Street: A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

Parking Space: A minimum eight by eighteen foot (8' x18') area of land provided for vehicles off of a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles. [amended 11/03]

Patio: An uncovered, paved outside area used for several purposes including leisure, social gatherings, etc. Patios may be attached to a home or a separate area; they may be made from concrete, paving bricks or created from other similar products.

Planning Commission: The Planning Commission of the City of Muskegon as provided in Act 285 of 1931, as amended, and appointed pursuant to the City Code of Ordinances.

Planned Unit Development: A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, commercial and industrial uses, common open space and other land uses as provided in this Ordinance.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967 or a prior statute.

Porch: A covered entrance to a building, projecting from the wall.

Poultry: Domestic fowl such as chickens, turkeys, ducks, and geese.

Principal Building: The main building on a lot in which the principal use exists or is served by.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Road: A private way or means of approach which meets the requirements of this Ordinance to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Prohibited Use: A use of land which is not explicitly permitted within a particular zoning district.

Public Water Course: A stream or creek which may or may not be serving as a drain as defined by Act 40 of Public Acts of 1956, as amended, being Sections 280.1 to 280.623 of the Compiled Laws of 1948 or successor act: or any body of water which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

Public Service: Public service facilities within the content of this Ordinance shall include such uses and services as election polling places, pumping stations, fire halls, police stations, public health activities, and similar uses including essential services.

Public Utility: A person, firm, or corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under Federal, State, County, or Municipal regulations to the public: gas, steam, electricity, sewage, disposal, communication, transportation, or water services.

Replacement Cost: Cost of replacing a structure or building at current costs at the time of the loss, identical to the one that was destroyed, without application of depreciation.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area.

Recreational Vehicle Park: All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Recreational Vehicle: A vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle (Act 96, Michigan Public Acts of 1987, as amended or successor acts).

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

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

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Rooming House: A dwelling structure having single rooms for rent and having no common areas except common places for the taking of meals, or baths, or laundry facilities, and not defined as a tourist home, or state licensed residential facility.

Rubbish: See Solid Waste.

Scrap Metal Processor: Any person, firm, or corporation who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel, or non-ferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or non-ferrous metallic scrap for remelting purposes.

School: An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding schools involving outside traffic or commercial activity.

Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Secondary containment: A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, groundwater, surface water, subsurface soils or the impoundment area for the tanks.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein. [amended 10/02]

Setback, Front: Minimum unoccupied distance, extending the full lot width, between the principal building and any lot line abutting a public street or private road.

Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and/or accessory buildings and the lot line opposite the front lot line, or in the case of a corner lot, the setback opposite the principal front lot line.

Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line. In the case of a corner lot, the setback opposite the secondary front lot line.

Sign: Sign shall mean and include every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained to the out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboard signs, signs painted directly on walls of structures, and temporary signs.

1. Area: The total square footage of a sign face exposed to public view.
2. Awning Sign: A sign which is part of, hung from the underside of, or attached to, a marquee, canopy, or other covered structure projecting from and supported by a building and does not project horizontally beyond or vertically above said marquee, canopy, or covered structure. (see Figure 2-8).
3. Banner: An unsecure, sign made of natural, flexible, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flag.
4. Billboard: A sign structure which exceeds one hundred (100) square feet advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure".
5. Building Wrap – A large “banner-type” display typically composed of pictorial and text elements which is constructed of reinforced vinyl or porous mesh-like material and is temporarily attached to one or more exterior walls of a building. [amended 3/06]
6. Bulletin Board: A sign which identifies an institution or organization on the premises where it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

7. Directional: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance" and "exit" (see Figure 2-8).
8. Double-Face Sign: A sign, both sides of which are visible and used as signs. A "V" type sign shall be considered a double-face sign provided the least angle of intersection does not exceed ninety (90) degrees.
9. Electronic Message Board: A sign on which copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units [amended 8/98].
10. Flag: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.
11. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
12. Free-Standing: Any non-movable sign not affixed to a building (see Figure 2-8).
13. Height: The height of sign shall mean the maximum vertical distance from the uppermost extremity of a sign or sign support to the average ground level at the base of the sign.
14. Illuminated Sign: Any sign designed to give forth artificial light, or designed to reflect any such light given from any source which is intended to cause such light or reflection.
15. Informational Sign: A single or double-faced sign not exceeding six (6) square feet in surface area, intended primarily for the convenience of the public or to ensure the orderly operation of the site, including but not limited to signs designating restrooms, address numbers, hours of operations, public telephone, and instructions regarding parking. [amended 4/05]
16. Monument sign: A sign affixed to the ground with a full footing where the display surface is less than two (2) feet above the grade to the bottom of the display area (see Figure 2-8).
17. Name Plate: A two square foot sign located on premises, giving the name or address, or both, of the owner or occupant of a building or premises.
18. Off-Premise Sign: A sign located on a different parcel of land or lot or premise than where the business, product, service, event, or person or subject is being advertised.

19. On-Premise: A sign located on the parcel of land or lot advertising a business, product, service, event, person or subject being offered on said parcel of land or lot.
20. Pennant: A small, often triangular, tapering flag used in multitudes as a device to call attention to a land use or activity.
21. Pole Sign: An advertising structure which is supported by one or more uprights in permanent footings with all parts of the display surface of the sign eight (8) feet or more above the grade at the base of the sign (see Figure 2-8).
22. Portable (Temporary): A sign which is not permanently affixed to a building (wall sign), structure (pole sign) or the ground (monument sign). Portable or temporary signs include without limitation signs supported on wooden posts, mobile chassis, motor vehicle, banners, flags, and pennants.
23. Projecting (Braquet): A sign which is attached directly to and perpendicular with a building wall and extends more than twelve (12) inches from the face of said wall (See Figure 2-8).
24. Residential Entranceway Sign: A permanent structure including but not limited to walls, columns and gates, marking entrances to single-family subdivisions or multiple housing projects by name, symbol, or otherwise.
25. Real Estate Sign: A sign advertising that the premises on which it is located is for sale, lease, or rent.
26. Roof: A sign which is erected, constructed and maintained upon or above the roof, or parapet wall of a building which is wholly or partially supported by said building (see Figure 2-8).
27. Setback: The minimum linear distance as measured from the road right-of-way line to the nearest part of the sign or advertising structure.
28. Sidewalk Sign: A temporary sign placed on the sidewalk or private property adjacent to the commercial activity it advertises, that is of either an A-frame or T design and may be no larger than 10 square feet in display area. [amended 12/07]
29. Window: A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window (see Figure 2-8).
30. Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from said building or structure (see Figure 2-8).

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a street. Used in this ordinance as a reference for unobstructed street visibility.

Solid Fuel Heating Appliance: Heating appliances that are intended to burn solid fuels, such as wood, coal, or any other biomass fuel. Solid fuel Heating Appliance does not include solid fuel fired cooking appliances. [amended 1/06]

Special Land Use: A use of land whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance. Approval for establishing a special land use is indicated by issuance of a Special Use Permit.

Specified Anatomical Areas: For the purposes of this Ordinance shall be defined as follows:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, 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 opaquely covered.

Specified Sexual Activities: For the purposes of this Ordinance shall be defined as follows:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Stable: A structure for the housing of domestic animals. For the purpose of determining the permitted capacity of a stable, one (1) horse shall be considered the equivalent of one (1) self-propelled vehicle.

Stevedore: One whose work is loading or unloading ships. [amended 4/00]

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

Solid Waste: Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste,

but does not include human body waste, liquid waste regulated by statute, ferrous or nonferrous scrap immediately directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products immediately directed to a slag processor or to a reuser of slag or slag products.

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

Storage Yard: Any exterior area used for the placement of any materials, products or equipment. Parking areas as regulated by Section 2327 shall not be considered a storage yard.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the level of the adjoining ground (See Figure 2-1).

Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6").

Street: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property. [amended 11/03]

Expressway: Those streets designed for high speed, high volume traffic, with full or partially controlled access, some grade crossings but no driveway connections (U.S. 31).

Arterial Street: Those streets of considerable continuity which are used or primarily for fast or heavy traffic (Seaway Dr., M-46, Shoreline Dr.).

Major Street: Those streets in the City that are classified as primary hard-surfaced roads (Getty St., Laketon Ave., Henry St. (south of Laketon Ave.), Sherman Blvd.)

Collector Street: Those streets used to carry traffic from minor streets to arterial streets classified by the City (Hackley Ave., Barclay St., Lakeshore Dr. (south of Laketon Ave.), Marquette Ave., Wood St.).

Minor Street: A street, which is intended primarily for access, for abutting properties (All streets except those named above).

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Satellite dishes over 24 inches in diameter and antennas shall be considered as structures.

Structural Alterations: Any change in the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the dimensions or configuration of the roof, exterior walls or foundation.

Swimming Pool: Means any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

Tents: A portable shelter of canvas, course cloth, or similar material supported by one (1) or more poles, but not including those used solely for children's recreational purposes or noncommercial purposes.

Transitional Living Center: A facility the provides temporary housing and services to the homeless. [amended 9/10]

Travel Trailer: See Recreational Vehicle.

Travel Trailer Park: See Recreational Vehicle Park.

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

Trailer (Utility): A vehicle that is not self propelled which is licensed by the State of Michigan and used for transporting materials in tow with a motor vehicle.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Utility Room: A room used primarily for storage, for housing a heating unit, or for laundry purposes.

Variance, Use: A modification of the literal provisions of the zoning ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the ordinance would cause unnecessary hardship for the property owner due to circumstances unique to the property. A use variance permits a use of land that is otherwise not allowed in that district. [amended 11/00]

Variance, Nonuse or Dimensional: A modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause practical difficulty owing to circumstances unique to the individual property. The crucial points of a nonuse or dimensional variance are practical difficulty and unique circumstances applying to the property. A nonuse or dimensional variance is not justified unless both elements are present in the case. [amended 11/00]

Vintage Shop: A retail establishment which sells vintage merchandise.

Vintage Merchandise: Furniture or clothing; esteemed for its collectability, artistry, beauty or period of origin; meeting the following criteria.

1. Clothing must be laundered and in like-new, ready to wear condition.
2. Furniture must have been previously restored to like-new condition through the process of reupholstering or renovation, prior to being brought on-site.

Walls, Obscuring: An obscuring barrier (not associated with a building) of definite height and location constructed of wood, masonry, concrete, or similar material, and which provides one hundred (100) percent opacity.

Wild Animal: Any living member of the animal kingdom, including those born or raised in captivity, except the following:

1. Domestic dogs (excluding hybrids with wolves, coyotes, or jackals)
2. Domestic cats (excluding hybrids with ocelots or margays)
3. Ferrets
4. Rodents
5. Caged, nonvenomous snakes
6. Captive-bred species of common cage birds.

Wind Turbine: A rotating machine which converts the kinetic energy in wind into mechanical energy. For the purpose of this ordinance, an anemometer is not classified as a wind turbine. [amended 10/09]

Wind Turbine Facility: An electric generating facility, whose main purpose is to supply electricity to sell to the grid, consisting of more than one wind turbine and other accessory structures and buildings. [amended 10/09]

Wireless Communication Antenna (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, amateur radio antennas, satellite antennas, those which receive video programming services via multipoint distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals. [amended 12/97]

Wireless Communication 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 such as radios, cable, conduit, connectors, air conditioning units and emergency generators. [amended 12/97]

Wireless Communication Facilities (WCF): All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to radio towers, television towers, telephone devices and exchanges, micro-wave towers, telephone transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, amateur radio facilities, and satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition. [amended 12/97]

Wireless Communication Support Facilities (WCSEF): A monopole, guyed, or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas. [amended 12/97]

Yards: The open spaces on the same lot with a main building, unoccupied and unobscured from the ground upward except as otherwise provided in this Ordinance, and as defined herein. [amended 10/02]

Front Yard: An open unoccupied space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line and the nearest point of the building. In the case of lots abutting lakes, rivers, and canals, the front yard shall be that side of the lot or parcel on the street side.

Rear Yard: A space extending the full width of the lot the depth of which is the horizontal distance between the rear lot line and the nearest point of the main building.

Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the nearest point of the main building.

Zoning Administrator: The person appointed by the City to administer and enforce the provisions of this Ordinance.

SECTION 201: DIAGRAMS, GRAPHICS AND ILLUSTRATIONS PERTINENT TO THE DEFINITIONS IN THIS ORDINANCE:

FIGURE 2-1

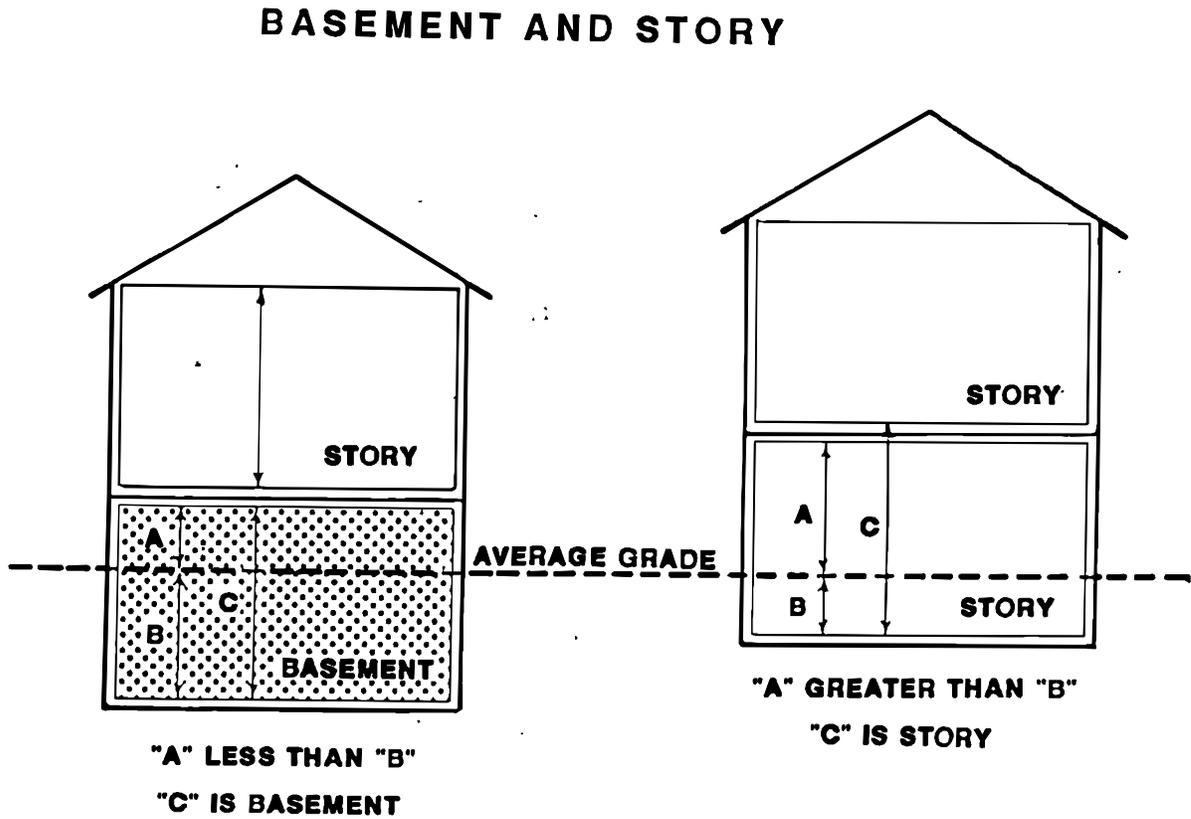
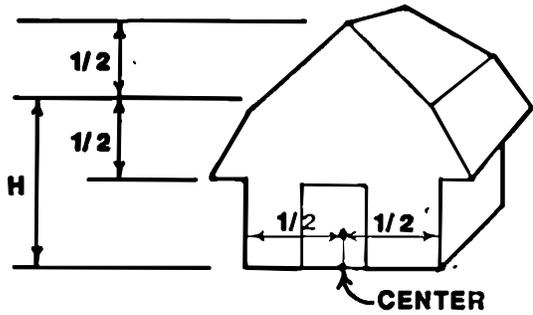
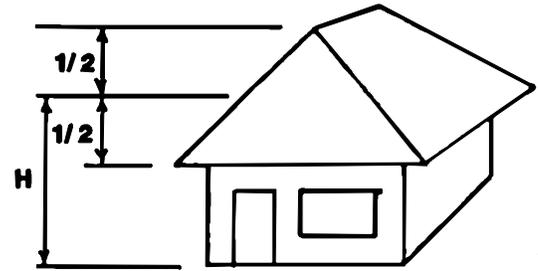


FIGURE 2-2

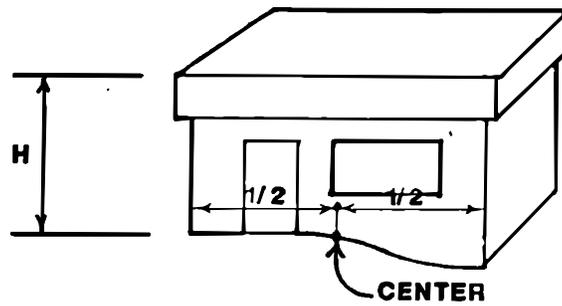
BUILDING HEIGHTS



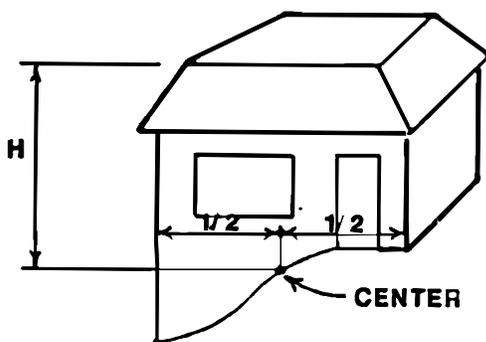
GAMBREL ROOF



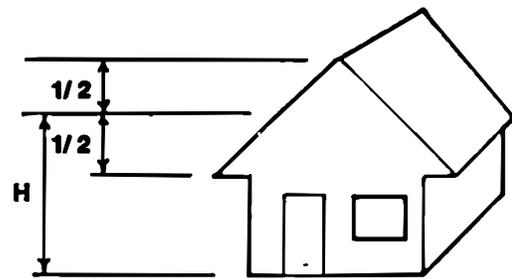
HIP ROOF



FLAT ROOF



MANSARD ROOF



GABLE ROOF

FIGURE 2-3

AVERAGE GRADE

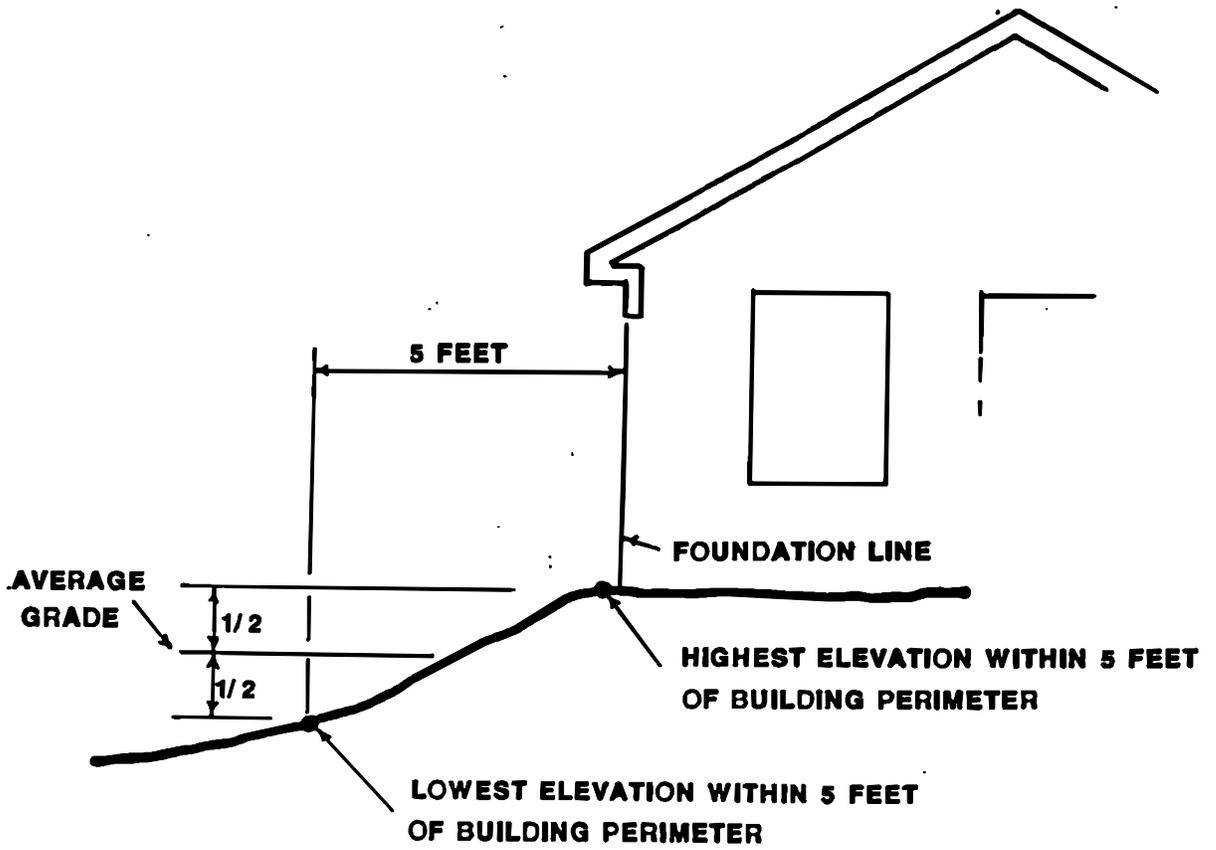


FIGURE 2-4

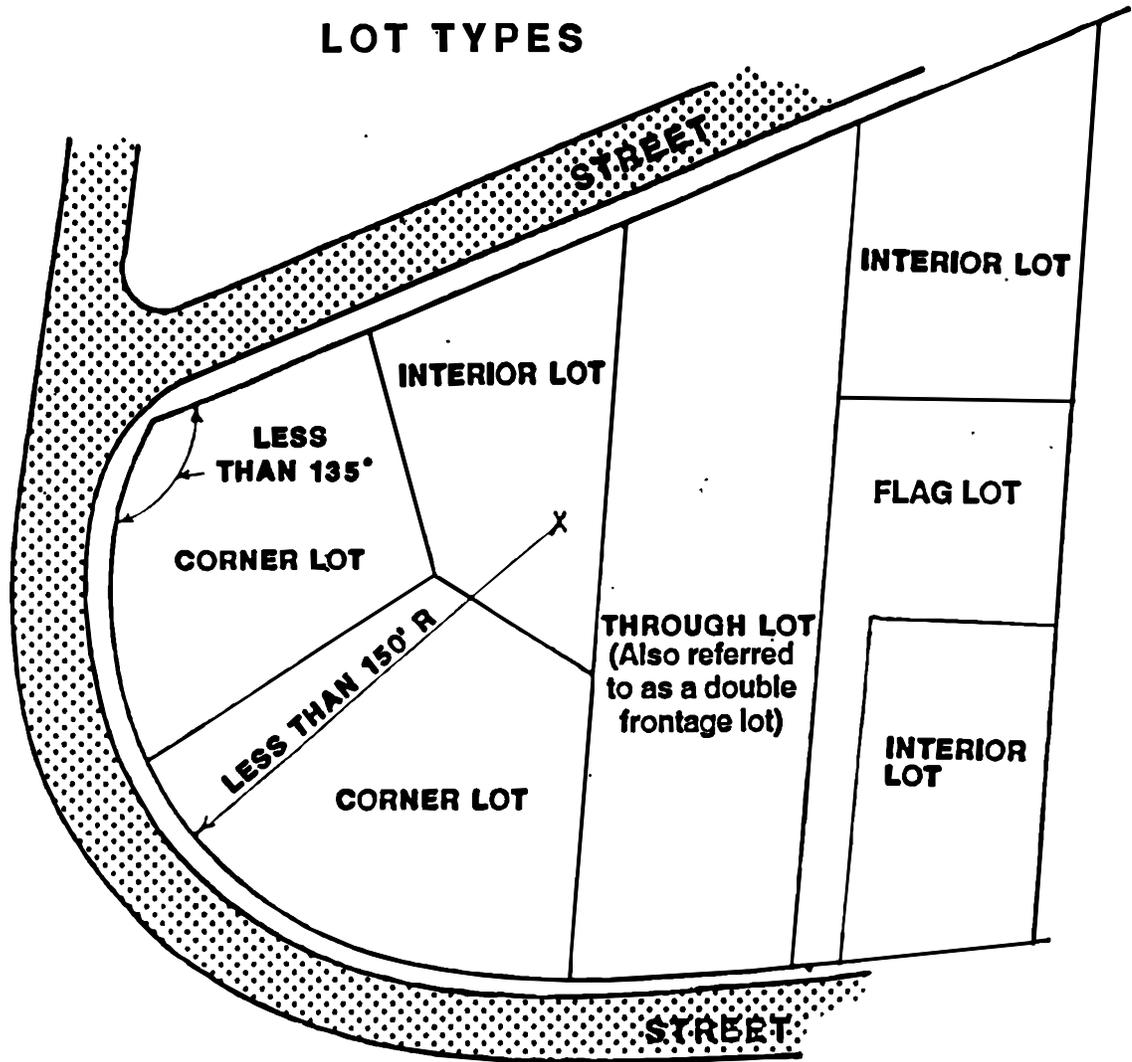


FIGURE 2-5

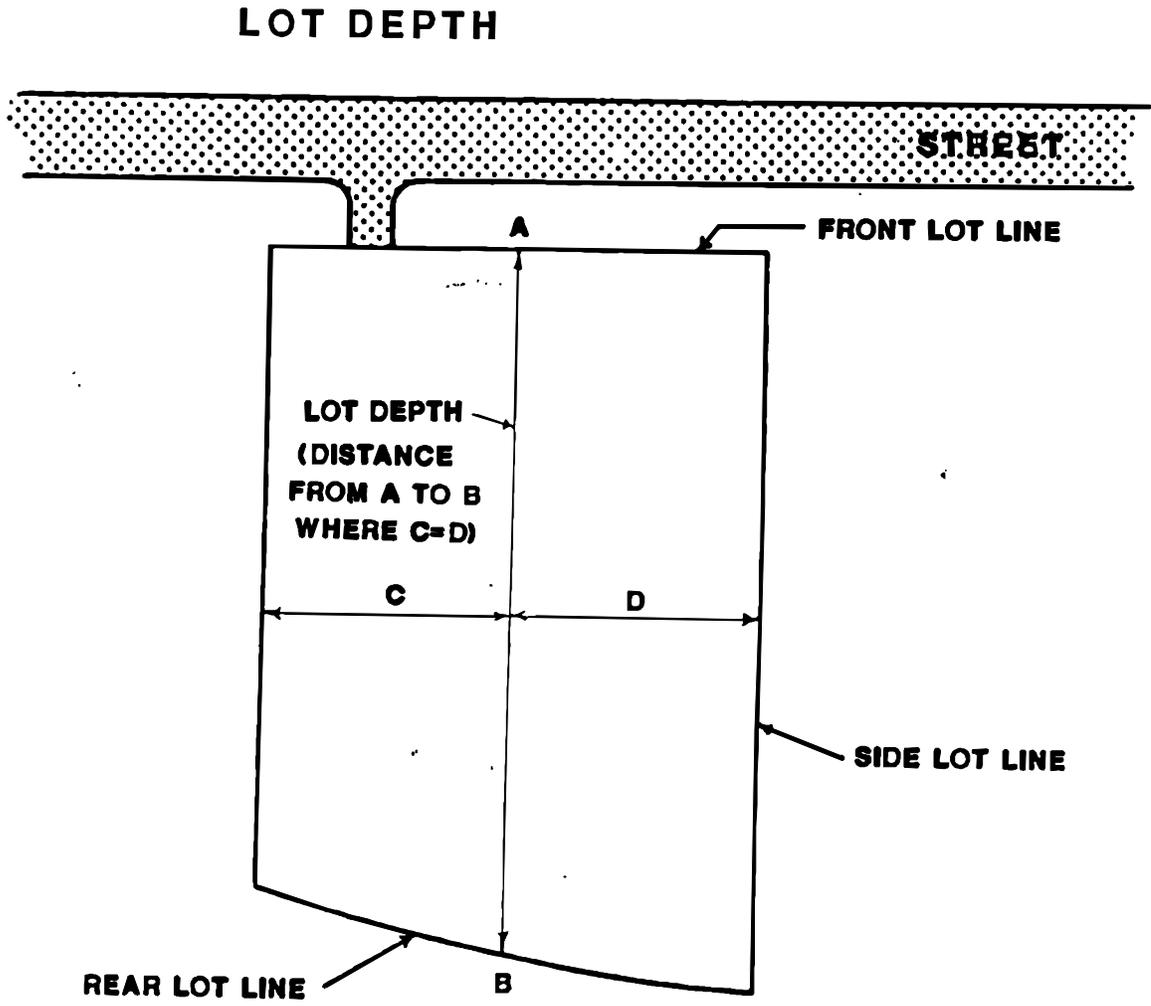


FIGURE 2-6

NET AND GROSS LOT AREA

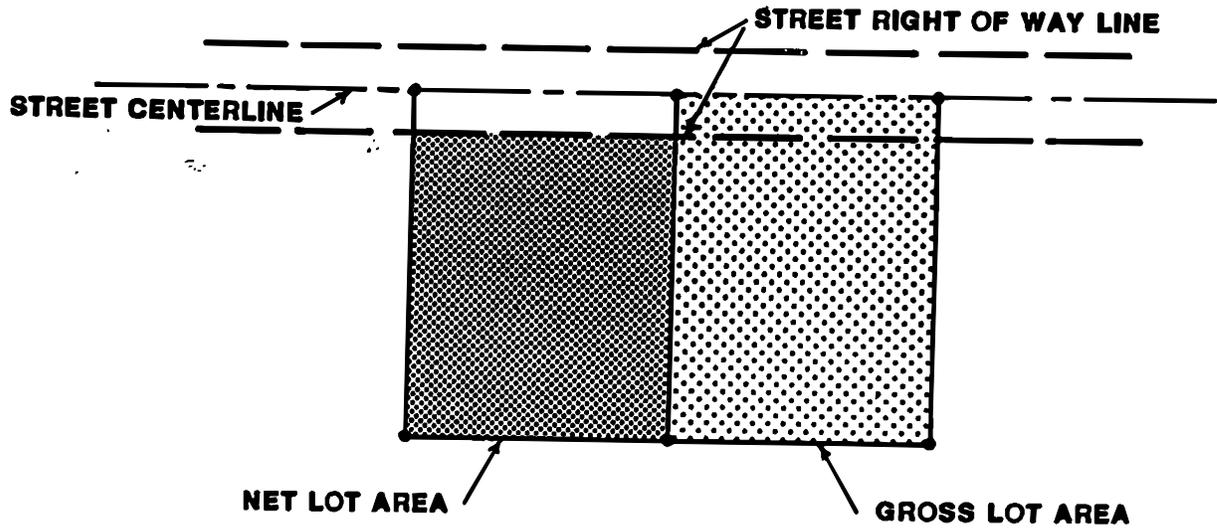


FIGURE 2-7

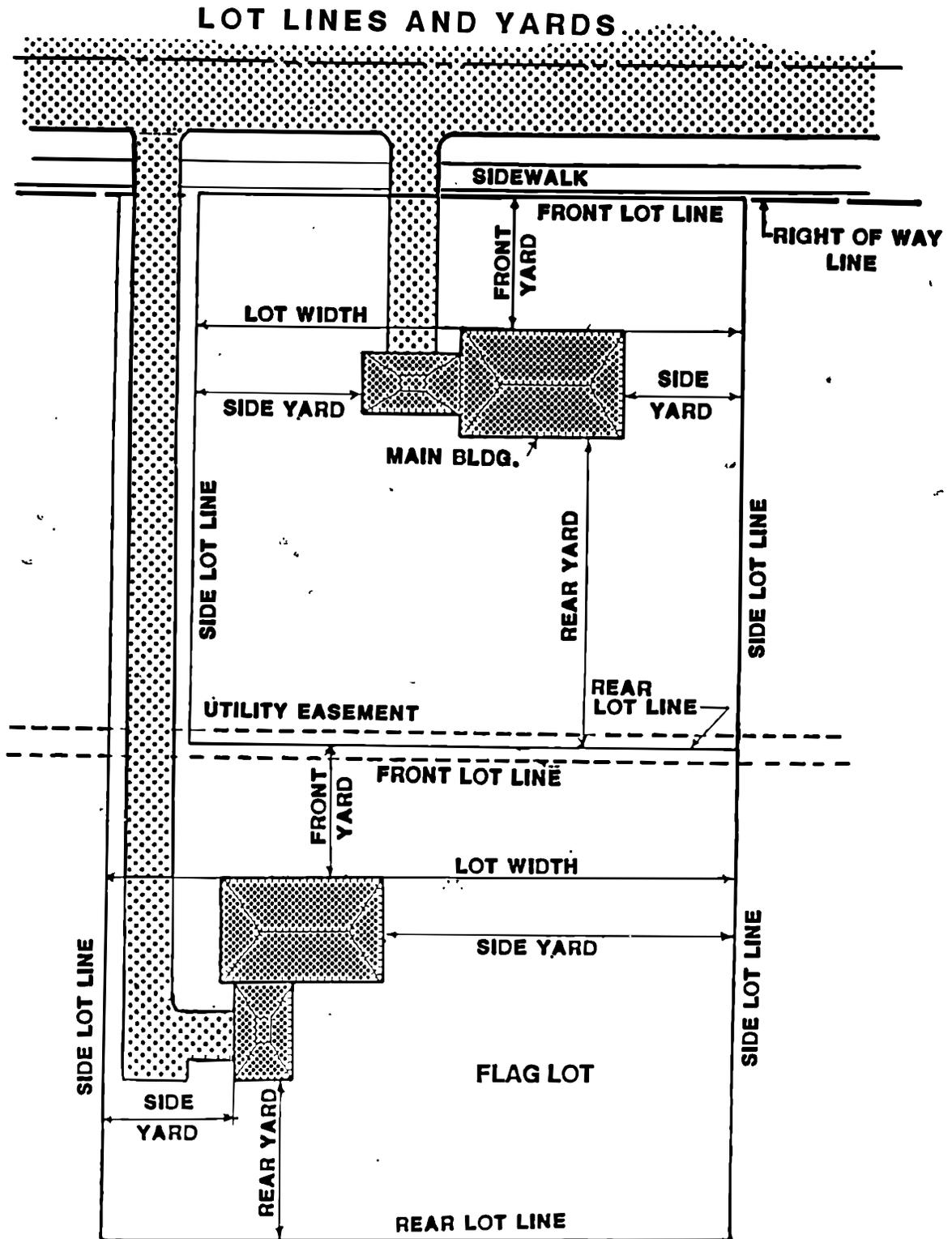


FIGURE 2-8

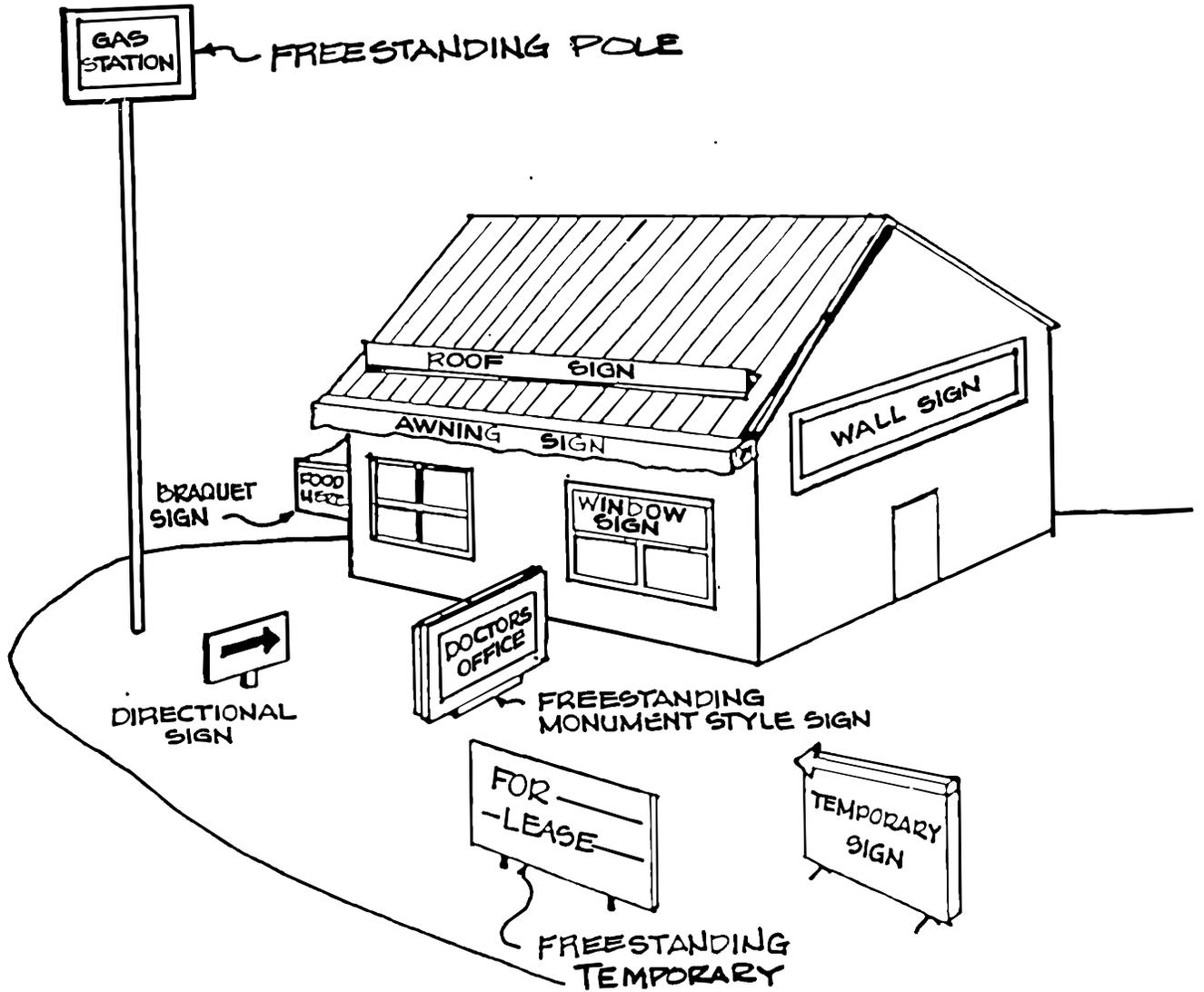
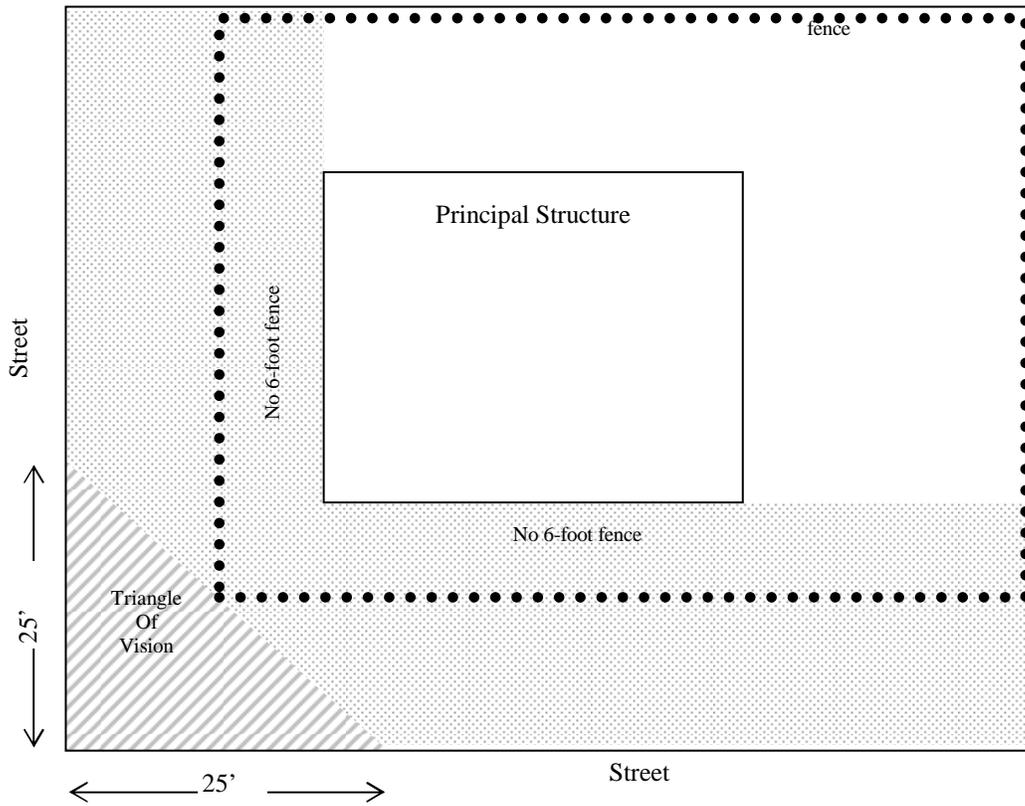


FIGURE 2.9

Corner Lots:



ARTICLE III - ZONING DISTRICTS AND MAP

SECTION 300: DISTRICTS

For the purposes of this Ordinance, the City of Muskegon is hereby delineated in the following Districts:

R	One Family Residential
MHP	Mobile Home Park
RT	Two Family Residential
RM-1	Low Density Multiple Family Residential
RM-2	Medium Density Multiple Family Residential
RM-3	High Density Multiple Family Residential
MC	Medical Care
B-1	Limited Business
B-2	Convenience and Comparison Business
B-3	Central Business
B-4	General Business
B-5	Central Governmental Service
I-1	Light Industrial
I-2	General Industrial
WI-PUD	Waterfront Industrial Planned Unit Development
OSC	Open Space Conservation
OSR	Open Space Recreation
LR	Lakefront Recreation
WM	Waterfront Marine

SECTION 301: BOUNDARIES

The boundaries of these Districts are hereby established as shown on the Official Zoning Map which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

1. Unless shown otherwise, the boundaries of the Districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the Corporate Limits of the City of Muskegon.
2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, if there is any uncertainty, contradiction or conflict as to the intended location of any District boundaries, shown thereon, interpretation concerning the exact location of District boundary lines shall be determined by the Board of Appeals, upon written application.

SECTION 302: ZONING OF VACATED AREAS:

Whenever any street, alley or other public way within the City of Muskegon shall have been vacated by official government action, and when the lands within the boundaries thereof attach to and become a part of the land formerly abutting such vacated street, alley or public way shall automatically, and without further governmental actions, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

SECTION 303: ZONING OF ANNEXED AREAS:

In every case where property has not been specifically included within a District, the same is hereby declared to be in the R One Family Residential District. All property annexed to the City shall likewise be and is hereby declared to be in the R One Family Residential District unless otherwise classified.

SECTION 304: DISTRICT REQUIREMENTS:

All buildings and uses in any District shall be subject to the provisions of Article XXIII "General Provisions".