

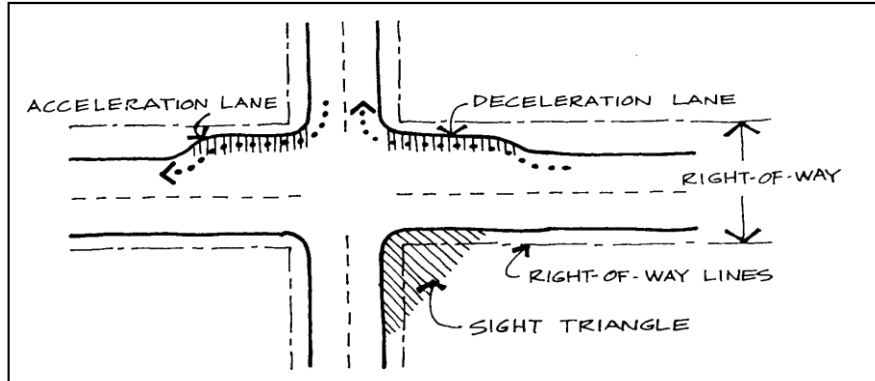
Section 200: Construction of Language

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. 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.
5. The word "building" includes the word "structure." A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. The word "dwelling" includes the word "residence" and the word "lot" includes the words "plat" or "parcel."
9. Unless the context clearly indicates 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 that 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.
10. Terms not herein defined shall have the meaning customarily assigned to them.

Section 210: Definitions

For the purpose of this Ordinance, terms not herein defined shall have the meaning customarily assigned to them; and certain terms or words used herein shall be interpreted as follows:



Acceleration Lane: An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.

Accessory Use, or Accessory: An "accessory use" is a use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools, tennis courts or similar recreation facilities for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
5. Storage on the premises of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
6. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations of the district in which the zoning lot is located.
7. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

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8. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
10. Coin Operated amusement devices, when accessory to a principal use, shall be housed within a building and shall be limited to one (1) machine or device per seven hundred fifty (750) square feet of gross floor area of the principal use.
11. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such and has no signs or displays on the exterior of the building.

Alley: Is a dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Is any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Amusement Device: Is any machine, device or contrivance which, upon the insertion of a coin, token or similar object, or which requires payment for its use, may be operated by the public for use as a game, entertainment, or amusement, whether operated by hand, electricity or any other power.

Amusement Device Arcade: Is any establishment open to the public wherein the principal uses consists of coin operated amusement devices operated for profit.

Apartments: Is a suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit. The dwelling unit in a multiple dwelling are defined as:

1. One Bedroom Unit: Is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen and necessary sanitary facilities, and for the purpose of computing density shall be considered as a two (2) room unit.
2. Two Bedroom Unit: Is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen and necessary sanitary facilities, and for the purpose of computing density shall be considered as a three (3) room unit.
3. Three or More Bedroom Unit: Is a dwelling unit consisting of four (4) or more rooms in

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addition to kitchen and necessary sanitary facilities. For the purpose of computing density, a three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over four (4).

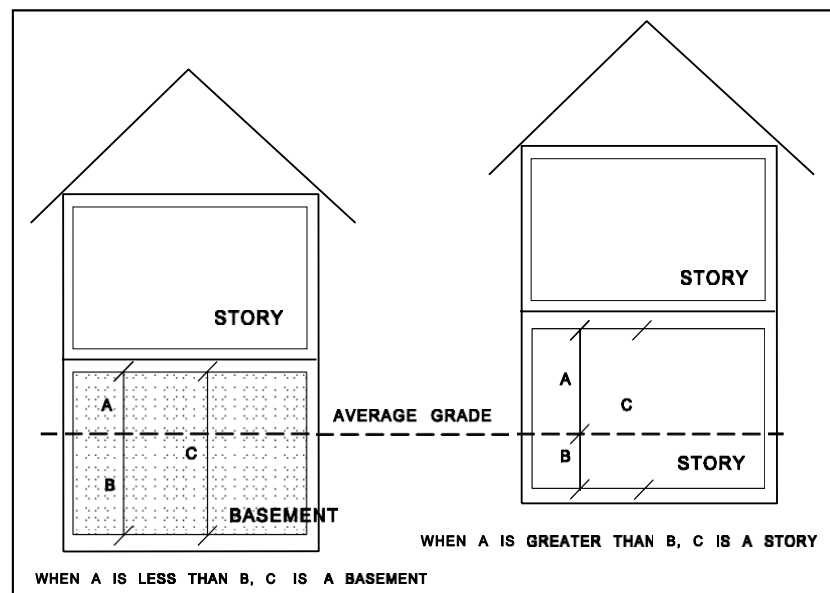
Automobile Repair, General: Includes engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; painting and undercoating of automobiles and the like.

Automobile Repair, Light: Includes repair or replacement of automotive components for maintenance purposes; such as tires, mufflers, glass, oil, etc. This does not include any item described by the definition of General Automotive Repair.

Automobile Service Station: Is a space, building or structure designed or used for the retail sales or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles.

Banquet Hall: Is a use which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises. For the purpose of this Ordinance, the licensed sale of beer, wine and/or spirits shall only be permitted in connection with and incidental to those scheduled functions carried out on the premises during such period when a full food service is extended.

Basement: Is 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 unless fifty percent of its height is above the level from which the height of the building is measured.



Bed and Breakfast Facility: A secondary use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

Board of Appeals: The words "Board of Appeals" or "Board" shall mean the Zoning Board of

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Appeals of the City of Marysville.

Buildable Area: The Buildable Area of a lot is the space remaining after the minimum yard requirements of this Ordinance have been complied with.

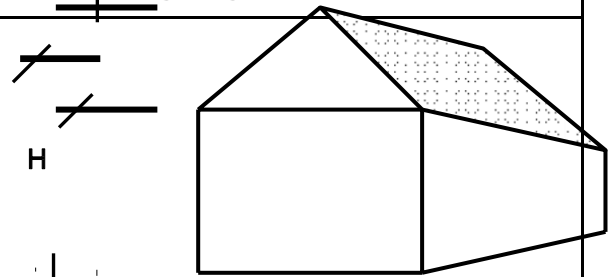
Building: Is any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for the purpose of a building.

Building Height: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, or gambrel roofs. In a structure having a flat roof, the parapet, if provided, may exceed the maximum building height by three (3) feet. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

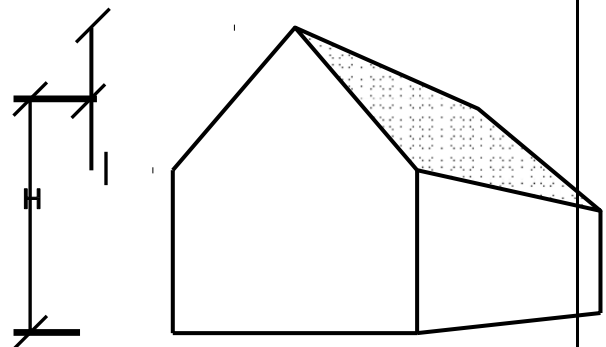
Building Line: A line established in general, parallel to the front lot line between which line and the front lot line no part of a building shall project, except as otherwise provided by this Ordinance.

Caliper: The diameter of a tree trunk measured six (6) inches above ground level up to and including four (4) inch caliper size and twelve (12) inches above ground for larger sizes.

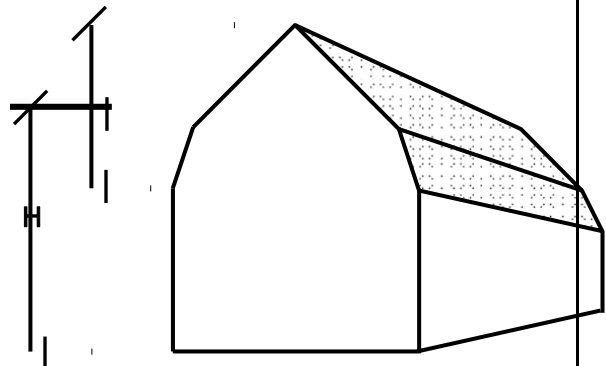
Child Care Center: A facility other than a private residence receiving more than six (6) preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the



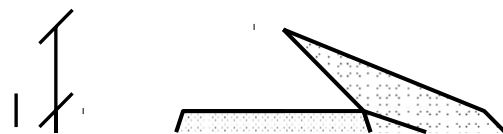
HIP ROOF



GABLE ROOF



GAMBREL ROOF



child.

Clinic: Is an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

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

Condominium Subdivision (Site Condominiums): A method of dividing land where land ownership of sites is regulated by the Condominium Act (P.A. 59 of 1978 as amended MCLA (559.101) as opposed to the Subdivision Control Act of 1967 (MCL 560.101). Condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the City "Subdivision Regulations Ordinance".

Condominium Subdivision Plan: Means the site, survey and utility plans: floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

Convalescent or Nursing Home: Is a structure with sleeping rooms where persons are housed or lodged and are furnished with meals and nursing and medical care.

Deceleration Lane: An added roadway lane that permits moving vehicles to slow down and leave the main vehicular stream.

Density: The term Density refers to the number of families residing on, or dwelling units developed on an acre of land. As used in the Ordinance, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets.

District: Is a portion of the City of Marysville within which, on a uniform basis, certain land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established.

Drive-Through Establishment: Is a business establishment other than a drive-in restaurant, which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Drive-In Restaurant: An establishment serving food and/or drink so developed that its retail or service character is dependent on providing spaces for motor vehicles so as to serve patrons while in the motor vehicle.

Dwelling Unit: Is a building, or portion thereof, designed for occupancy by one (1) family for

residential purposes and having cooking facilities.

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

Dwelling, Multiple-Family: Is a building, or a portion thereof, designed exclusively for occupancy by two (2) or more families living independently of each other.

Erected: The term "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for a building or structure. Excavation, fill, drainage, and the like shall also be considered a part of the term "erected."

Essential Services: Is the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, 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 therewith, reasonably necessary for the furnishing of adequate service by such facilities or governmental departments for the general health, safety or welfare but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Radio broadcasting and receiving towers and equipment structures used in cellular telephone systems are specifically excluded from the definition of essential services.

Family: A single individual or a number of individuals domiciled together whose relationship is of a continuing non-transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable periods.

Family Day Care Home: A private home in which one (1) to six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by such person's own labor or with assistance of members of the household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than ten (10) acres in area; provided further, farms may be considered as including establishments operated as

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bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, but establishments keeping or operating fur-bearing animals, public riding or boarding stables, commercial dog kennels, shall not be considered farms hereunder, unless combined with bona fide farm operations on the same continuous tract of land. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish or offal or a rendering plant, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises prior thereto and for the use and consumption of persons residing on the premises.

Fence, Residential: A manmade, unroofed barrier which may act as an enclosure or which is decorative or ornamental.

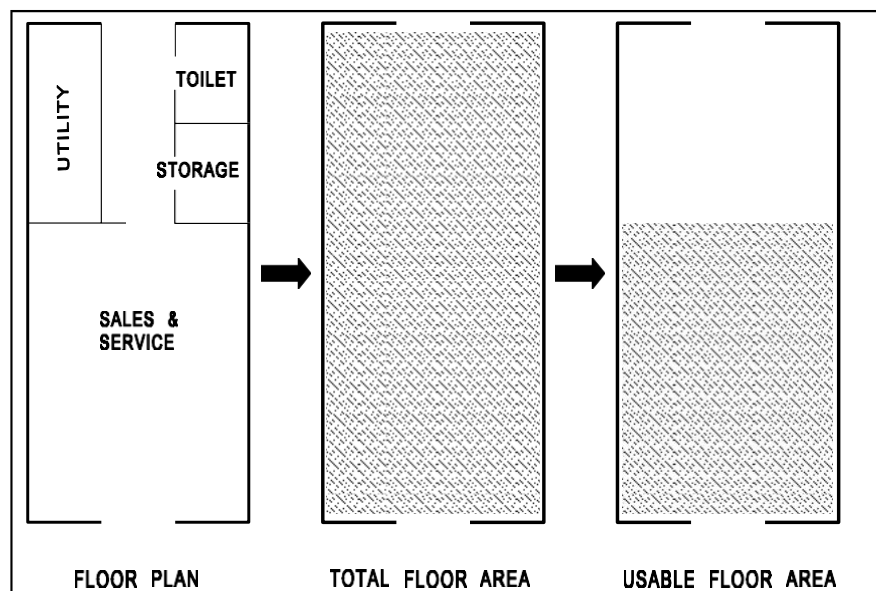
Finished Product: The end result of a manufacturing process which is ready for utilization or consumption by the ultimate consumer.

Floor Area:

1. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators or stair bulkheads, common hall areas, and accessory structures.
2. Usable Floor Area (for the purpose of computing parking): Is 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 and all that area devoted to employee work space. Such floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator or stair bulkheads or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area."

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

3. Gross Floor Area:
Is the sum of the



horizontal areas of the floors of the building measured from the exterior faces of the exterior walls, including basements or mezzanines. Unfinished attics, attached garages, breezeways and areas included in structures or buildings providing parking for motor vehicles shall not be included.

Floor Area Ratio (F.A.R.): An intensity measured as a ratio derived by dividing the gross floor area of a building by the area of the zoning lot.

Golf Course: The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other structures or uses customarily incidental to a golf course or a country club; provided, however, that a golf course shall include a minimum of nine (9) holes and shall not be less than three thousand (3,000) yards in length; and provided further that this definition does not include a driving range or miniature golf course operated independently or in conjunction with a golf course.

Grade: A 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.

Greenbelt: A planting of trees, shrubs and grass between abutting land uses.

Group Day Care Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Home Occupation: Any use customarily conducted by the occupants of a dwelling, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

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

Junkyard: An open area where waste, used or secondhand materials are 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 junkyard 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.

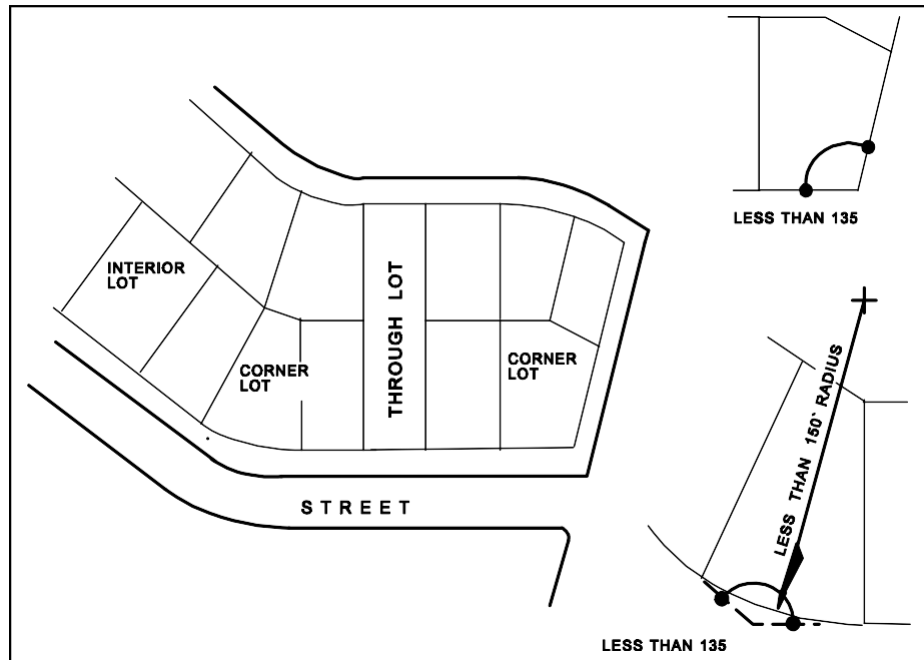
Kennel, Commercial: Is any lot or premise on which three (3) or more dogs, are temporarily or permanently kept.

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

Lot: A parcel of land occupied, or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot Area: Is the total horizontal ground area within the lot lines of the lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the center line of said street.

Lot, Corner: Is a lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.



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

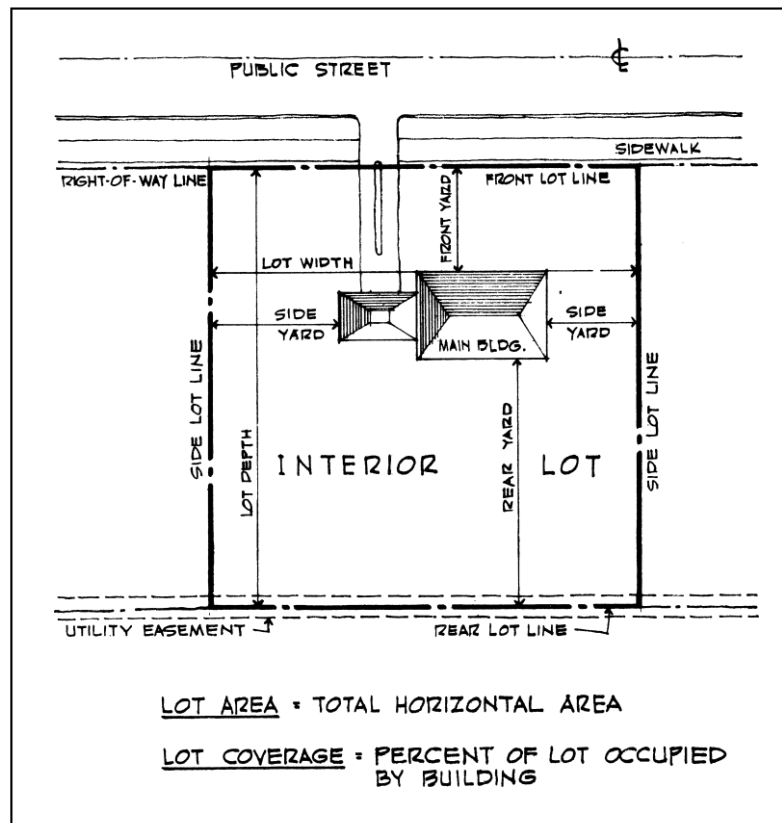
Lot Depth: Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, Double Frontage (through lot): Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, Interior: Is any lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, means the line separating such lot from the street. In the case of a corner lot or double frontage lot, the line separating such lot from that street which is designated as the front street in the plat and the request for zoning compliance permit.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.



3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is an exterior lot line. A side lot line separating a lot from another lot or lots is an interior side 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 municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width: Is the horizontal, straight line distance between the side lot lines, measured between the two points where the required minimum front yard setback line, set forth in the Schedule of Regulations, intersects the side lot line.

Lot, Zoning: A single tract of land or any number of contiguous lots, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

Major Thoroughfare: An arterial street which is intended to serve as a large volume trafficway for both the immediate City area and the region beyond, and is designated as a major thoroughfare, on the City's Thoroughfare Plan. Any street with a width, existing or proposed, of at least one hundred and twenty (120) feet shall be considered a major thoroughfare. A "proposed" width shall mean a planned right-of-way in the City of Marysville Major Thoroughfare Plan.

Marginal Access Road:

A service roadway parallel to a feeder road or to a street and which provides access to abutting properties and protection from through traffic.

Medical marihuana (or medical marijuana). Marihuana, as defined in Section 7106 of the Michigan Public Health Code (MCL 333.7106) and which complies with all requirements of the Michigan Medical Marihuana Act.

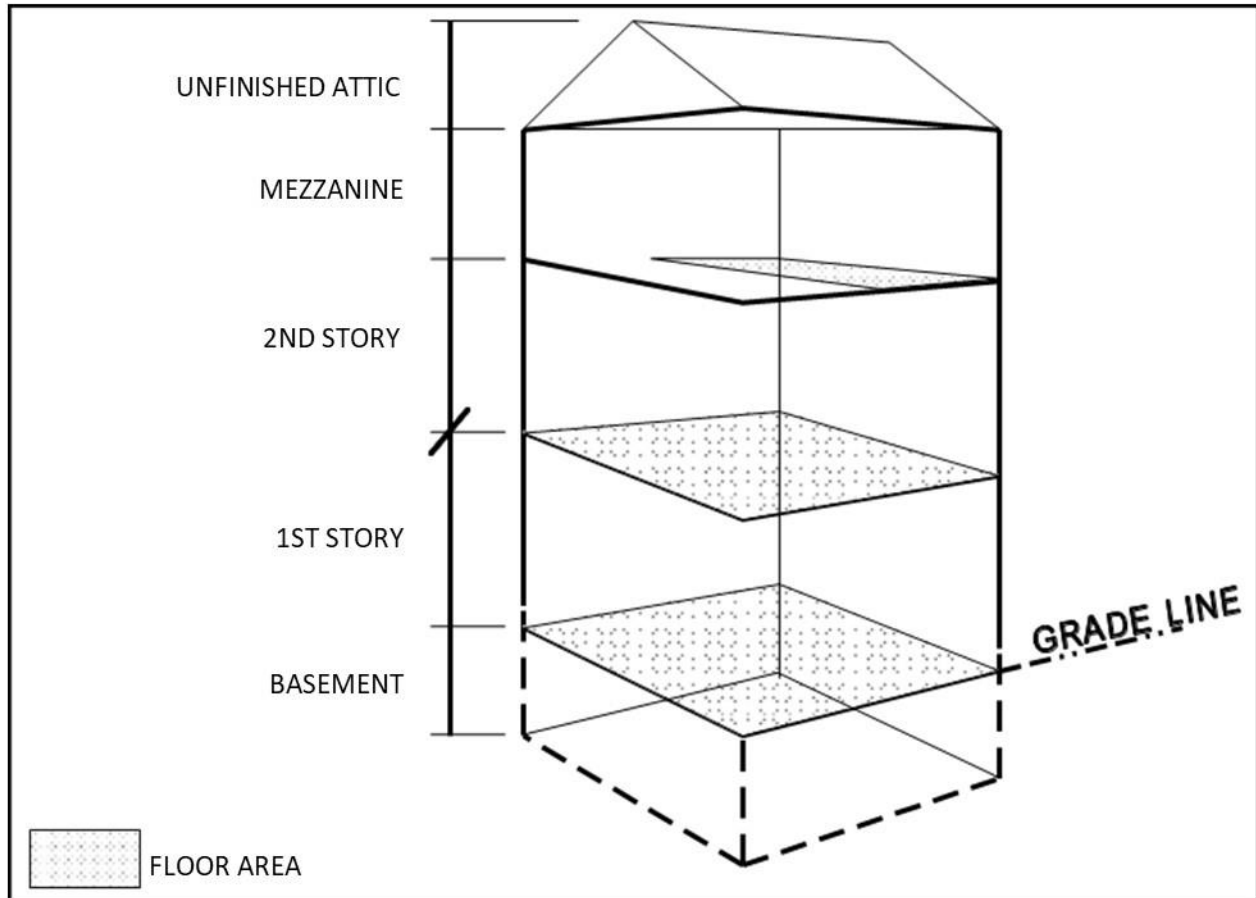
Medical marihuana caregiver. A person authorized under the Michigan Medical Marihuana Act as a "primary caregiver" or "caregiver" as defined in the Michigan Medical Marihuana Act.

Medical marihuana home based business. The cultivation, harvesting, storage, disposal, sale and/or transfer of medical marihuana by a medical marihuana caregiver in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL §333.26423(e).

Mezzanine: An intermediate floor in any story occupying an area not to exceed fifty (50) percent of the floor area of the story underneath said mezzanine.

Mini-Warehouse: A structure containing separate storage spaces, usually of varying sizes, leased or rented on an individual basis.

Mobile Home: A manufactured dwelling unit, transportable in one (1) or more sections, which is



Mobile Home: A manufactured dwelling unit, transportable in one (1) or more sections which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile home does not mean a recreational vehicle.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefore together with any building, structure, enclosure, street, equipment or facility used or intended for use, incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Motel/Hotel: Is a series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicles, and may contain a general kitchen and public dining room for the use of the occupants and other passerby.

Nonconforming Building: A building 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.

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

Nursing Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

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

Open Storage/ Outdoor Storage : Is the keeping in the open of any material which is assembled, fabricated, treated or processed in any manner and which is not anchored to the ground so as to meet City approval.

Parking Space: Is an area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

Principal Building: Is a building or structure in which is conducted the principal use of the lot upon which it is situated.

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

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

Recreational Equipment: Travel trailers, pick-up campers or coaches, motorized dwellings, folding tent trailers, boats, and boat trailers, snowmobiles, horse trailers, utility trailers, dune buggies, and other similar equipment.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and typically intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. Generally, the right of one to pass over property.

Room: For the purpose of determining lot area requirements and density in a multiple-family district a room means a living room, dining room or bedroom, equal to at least one hundred and twenty (120) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

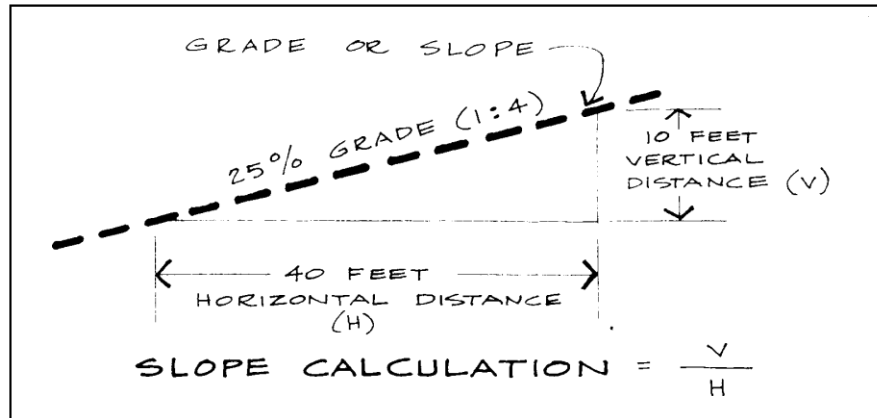
Scenic Drive: A street that possesses unique characteristics due to its proximity to significant natural features and is designated as such on the City's Thoroughfare Plan.

Secondary Thoroughfare: A collector street used primarily to carry traffic from minor streets to major thoroughfares or for relatively short distances between major thoroughfares and designated as such on the City's Thoroughfare Plan.

Setback: Is the distance required to obtain front, side or rear yard open space provisions of this Ordinance. Setbacks from a public street shall be measured from the existing or proposed right-of-way line, whichever is greater.

Slope or Grade: The degree of rise or descent of a sloping surface.

Stable, Private: Is a stable or building for the keeping of horses for the non-commercial use of the residents of the principal use and shall not include the keeping of horses for others or for commercial boarding of horses.



Story: Is that part of a building, other than a basement or mezzanine as defined herein, included between the surface of one 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 height level of the adjoining ground.

Story, Half: The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed fifty (50) percent of the floor area of the story immediately below it. (see illustration)

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

Structure: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land, each of which is ten acres or less in area; or five or more parcels of land, each of which is ten acres or less in area are created by successive division within a period of ten years.

Tree: Any woody plant having at least one (1) well defined stem at least six (6) inches diameter breast height (DBH).

Use: Is the principal 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 utility room is a room or space, located other than in the basement, specifically

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designed and constructed to house utilities or laundry facilities.

Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case.

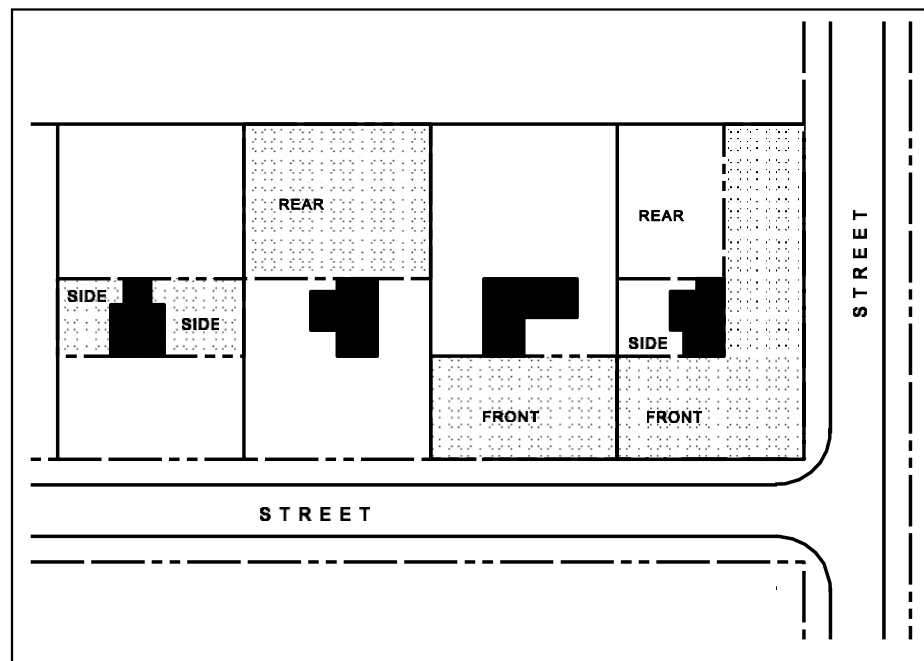
Wall, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Watercourses: Watercourses, as used herein, are deemed to mean rivers and streams, ponds, lakes and all other subaqueous areas.

Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. All yards abutting on a street shall be considered as front yards for setback purposes.

2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner or a double frontage lot, the rear yard shall be opposite the building facade side of such lot.



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 horizontal distance from the nearest point of the side lot line to the nearest point of the main building