

CHAPTER 2

Definitions

SECTION 201. RULES APPLYING TO THE TEXT.

For the purpose of this Ordinance, certain rules of construction apply to the Text, as follows:

- (1) Words used in the present tense include the future tense; and, the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The word "person" includes a corporation or firm as well as an individual.
- (3) The word "structure" includes the word "building."
- (4) The word "lot" includes the words "plot," "tract," or "parcel."
- (5) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (6) The words "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (7) Any word or term not herein defined shall be used with a meaning of common standard use.
- (8) The term "he" shall be read as he, or she.

SECTION 202. DEFINITIONS.

ABUT. To physically touch or border upon; to share a common property line.

ACCESSORY STRUCTURE. A structure attached or detached from a principal building on the same lot and customarily incidental to and subordinate to the principal building or use.

ACCESSORY USE. An accessory use includes a building or structure and is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

ACTIVITY. See "Use."

ADJACENT. A lot or parcel of land which shares all or part of a common lot line with another parcel of land.

ADULT CABARET. A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the *primary live entertainment*

is distinguished or characterized by an emphasis on the exhibition of *specific sexual activities* or *specified anatomical areas* for observation by patron therein.

ADULT MEDIA. Magazines, books, slides, CD roms or devices used to record computer images, or other *media* that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to *hard-core material*.

ADULT MEDIA STORE. An establishment that rents and/or sells media, and that meets any of the following three tests:

1. 40 percent or more of the gross public floor area is devoted to *adult media*.
2. 40 percent or more of the stock in trade consists of *adult media*.
3. It advertises or holds itself out in any form as “XXX,” “adult,” “sex,” or otherwise as a *sexually oriented business* other than *adult media store*, *adult motion picture theater* or *adult cabaret*.

ADULT MOTION PICTURE THEATER. An establishment emphasizing or predominately showing sexually oriented movies.

AGRICULTURAL RETAIL FACILITY. A booth or stall located on a farm from which produce and farm products are sold to the general public.

ALLEY. A service-way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ALTERATIONS. 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”.

APARTMENTS. A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence for a single family or group of individuals living together as a single housekeeping unit.

ASSEMBLY BUILDING. A building for the primary purpose of group gatherings of 50 people or more for any purpose.

AUTOMOBILE CAR WASH. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

AUTOMOBILE/VEHICLE GAS/FUEL SALES. An establishment primarily engaged in the sale of gas or other fuels for use in vehicles. The primary use must constitute over 50% of vehicle traffic to the establishment.

AUTOMOBILE/VEHICLE MAJOR REPAIR. An establishment primarily engaged in engine and transmission repair that may require removal of the engine. All repair work on the body of cars constitutes major repair. The primary use must constitute over 50% of vehicle traffic to the establishment.

AUTOMOBILE/VEHICLE MINOR REPAIR. An establishment primarily engaged in all vehicle repairs other than those defined as major engine repair. The primary use must constitute over 50% of vehicle traffic to the establishment.

AUTOMOBILE SALES. An establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks. The primary use must constitute over 50% of vehicle traffic to the establishment.

BANK. See "Financial Business."

BAR. A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

BASE AREA. The area, which is the length times the width, in square feet as of the effective date of this Ordinance.

BASEMENT. A story having part but not more than one half (1/2) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes.

BEAUTY SALON. See PERSONAL SERVICE BUSINESS.

BERM. A mound of earth graded, shaped and improved with grass, plant materials, and/or ground cover in such a fashion as to be used for visual and/or audible screening.

BED AND BREAKFAST. An owner or manager occupied dwelling or part thereof, in which lodging for seven consecutive nights or less, is provided by the owner or operator to one or more persons.

BLOCK. The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or Village boundary lines of the Village of Lakewood Club.

BODY SHOP. See AUTOMOBILE/VEHICLE MAJOR REPAIR.

BUILDING. Any structure erected on-site, a mobile home or mobile structure, a premanufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

BUILDING, FRONT LINE OF. The line that coincides with the face of the building nearest the front of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground above the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eave and ridges for gable, hip, and gambrel roofs.

BUILDING INSPECTOR/OFFICIAL. An individual appointed by the Village Council delegated to administer the Village Building Code Ordinance if any. (See also **ORDINANCE ENFORCER**)

BUILDING LINE. A line defining the minimum front, side or rear yard requirement outside of which no building or structure may be located.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which it is located.

BULK STATION. A place where crude petroleum, gasoline, naphtha, benzene, kerosene, or any other flammable liquid is stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6000) gallons.

BUSINESS SERVICES. A business service establishment provides services to other businesses as their primary clientele and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas, sign production and installation, equipment rental or repair, building maintenance, and self service storage).

CEMETERY. Property used for interring of the dead.

CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

CLUB. An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

COMMERCIAL RECREATIONAL USE. See **RECREATIONAL USE, COMMERCIAL.**

COMMERCIAL SCHOOL. A commercial school is a private educational facility not operated as a nonprofit entity and offering instruction in art, business, music, dance, trades, continuing professional education or other subjects.

COMMON LAND. A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

CONDOMINIUM ACT. Act 59 of 1978, as amended.

CONDOMINIUM UNIT. A portion of a building, or group of buildings, designed for separate ownership. Common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium is differentiated from other dwellings types based on ownership and as such is not regulated as a dwelling unit type.

CONTRACTOR. A business establishment that provides construction services and involves outdoor site use, such as storage of materials and/or equipment, other than licensed motor vehicles, and fabrication or other activities that may cause noise or vibrations.

CONVALESCENT OR NURSING HOME. A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging, and needed attention for compensation.

CONVENIENCE STORE. A retail operation selling a variety of items which are primarily grocery products. They include items that may be required by neighborhood residents on a day to day basis. Non grocery items frequently sold in this kind of establishment include newspapers, magazines, seasonal needs, etc.

COUNTRY CLUB. A land area and buildings containing recreational facilities, clubhouse and usual accessory uses, open only to members and their guests for a membership fee.

COVERAGE, LOT. That percent of the plot or lot covered by the building area.

CUL DE SAC. A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

DAY NURSERY. A private establishment enrolling four or more children between 2 and 5 years of age and where tuition, fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center.

DEGREE OF NONCONFORMANCE. A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies.

- (a) **USE.** In the USES table from the DISTRICT REGULATIONS chapter of this Ordinance, the number of changes in Zoning Districts required to move FROM the District in which a use would be permitted as a use by right in the District in which it is located.
- (b) **SETBACK.** The square footage of a building which lies within a required setback area.

- (c) AREA. The square footage by which a building or parcel varies from the maximum or minimum area required for its Zoning District.
- (d) WIDTH OR DEPTH. The distance in feet by which the width or depth of a parcel varies from the minimum or maximum dimension for its Zoning District.
- (e) PARKING. The number of off-street parking spaces which a parcel lacks to conform with the requirements of Supplementary Off-Street Parking Regulations and with the TABLE OF OFF-STREET PARKING REQUIREMENTS.

DENSITY. The number of dwelling units developed per acre of land.

DEPTH. For the purposes of interpreting the Dimensions Table, depth is the distance from a property line to a structure.

DEVELOPMENT. The construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use, and/or any man made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DEVELOPMENT PLAN. A comprehensive long range plan intended to guide the growth and development of a community. The Plan includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

DISPLAY PUBLICLY. The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal, unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than *adult media* are on display to the public.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-In is also interpreted to include "fast food" operations which serve food in disposable containers.

DUMPSTER. A container used to hold trash, garbage, refuse, or rubbish which is designed to be emptied into a garbage collection truck by mechanical means.

DWELLING. A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

DWELLING TYPES. For the purposes of this Ordinance, dwellings are separated into the following categories:

- (a) SINGLE FAMILY DWELLING is a detached building containing one (1) dwelling unit.
- (b) TWO FAMILY DWELLING is a building containing not more than (2) dwelling units.
- (c) MULTIPLE DWELLING is a building or portion thereof containing three (3) or more dwelling units.

DWELLING UNIT. One or more rooms including a single kitchen, in a dwelling designed for occupancy by one family for living and sleeping purposes.

EASEMENT. A grant of one or more property rights by a property owner to another person or public entity.

ENTERTAINMENT. For the purposes of this ordinance, "entertainment" means live performance. Video machines, billiards, etc. are not considered entertainment.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance of underground surface or overhead electrical gas, water and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

EXCAVATION. Removal or recovery by any means, of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface, whether exposed or submerged.

EXPLICIT SEXUAL MATERIAL. Any hard core material.

FAMILY. An individual or two or more persons related by blood, marriage, or adoption, living together in a dwelling unit or group of not more than four (4) persons, who need not be related, living together in a single dwelling unit.

FARM. A tract of land which is directly devoted to agricultural purposes. A farm includes cultivation of crops, and/or horticulture. A farm does not include establishments operated as roadside stands, greenhouses, nurseries, orchards, chicken hatcheries, apiaries or include keeping or operating establishments for farm animals of any kind, fur bearing animals, riding or boarding stables, kennels, quarries or gravel or sand pits.

FAST FOOD RESTAURANT. See Drive-In Restaurant.

FENCE. A permanent or temporary partition or structure erected as a divider, barrier, or enclosure between two or more properties.

FLAG LOT. A lot not fronting entirely on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

FUNERAL HOME. A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE. See ACCESSORY STRUCTURE.

GARBAGE. Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

GOLF COURSE. A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

GOLF COURSE, MINIATURE. See RECREATIONAL USE, COMMERCIAL.

GREENBELT. A landscaped or grassy area intended as part of a required yard or buffer.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal use.

GROSS FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

For the purposes of calculating parking and loading requirements, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

HARD-CORE MATERIAL. Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

HARD SURFACE. At least four (4") inches of reinforced concrete or two (2") inches of bituminous surface laid over five (5") inches of compacted crushed stone. Paved and hard surface shall have the same meaning for purposes of this Ordinance.

HEIGHT, MEASUREMENT OF. The height of a building at any given level is the height above the natural grade of any portion or portions of a wall or walls along the length of the building. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

HOME OCCUPATION. Any business carried on by one or more members of a family residing on the premises, providing it:

(a) is operated in its entirety within the principal dwelling or attached garage;

- (b) does not have a separate entrance from outside the building;
- (c) does not constitute a nuisance or annoyance to adjoining residents for reasons of noise, smoke, odor electrical disturbance, night lighting or the creation of unreasonable traffic on the premises;
- (d) Does not sell goods from the premises;
- (e) Does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, nonilluminated, wall sign having an area of not more than two (2) square feet.
- (g) Does not employ any persons other than family members residing on the premises

HORTICULTURE. The cultivation of a garden or orchard.

HOSPITAL. An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include sanatorium, rest home, nursery home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

HOTEL. See MOTEL.

INCARCERATION FACILITY. Any jail, prison, holding facility, work camp or detention center of any kind.

INDIVIDUAL STORAGE FACILITY. A structure containing separate storage spaces of varying sizes, leased or rented on an individual basis.

INDOOR USE. A use, of which the majority is contained within a structure.

INSTITUTION, EDUCATIONAL. A school for kindergarten through twelfth grade or any colleges or universities authorized by the state to award degrees.

INSTITUTION, HUMAN CARE. A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent or nursing homes, homes for the mentally or physically impaired, mental, physical or substance abuse rehabilitation facilities, and the like.

INSTITUTION, RELIGIOUS. A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

INSTITUTION, SOCIAL. Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations.

JUNK/RUBBISH. A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments and institutions. Junk/Rubbish also includes scrap materials, debris and reclaimable material including but not limited to tires, vehicle parts, scrap metal, paper, rags, wood, glass, appliances, dismantled, wrecked or abandoned motor vehicles and any other used material not contained within a licensed Junk Yard. See JUNK/SALVAGE YARD.

JUNK/SALVAGE YARD. A licensed open area where waste, used or second hand 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 Junk/Salvage Yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot with or without a license. Operations with the characteristics of salvage yards which are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

KENNEL. Any facility, on a single parcel, where more than three (3) dogs over four (4) months old are kept, housed or boarded for a fee, or where such animals are kept for breeding purposes.

LABORATORY. A building or part of a building used for conducting scientific research or manufacturing chemicals, medicines, etc.

LINGERIE MODELING STUDIO. An establishment or business that provides the services of live models modeling lingerie to individuals, couples or small groups in rooms smaller than six hundred (600) square feet.

LOADING BERTH/SPACE. An off-street space at least ten (10') feet wide, fifty (50') feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

LOT. A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.

LOT AREA. The total horizontal land area within the lot lines of the lot.

LOT: CORNER, INTERIOR AND THROUGH.

CORNER LOT is a lot which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty five (135) degrees.

INTERIOR LOT is a lot other than a corner lot.

THROUGH LOT is an Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.

LOT COVERAGE. The portion or percentage of a lot occupied by buildings or structures.

LOT LINE, FRONT. The lines abutting a lot as defined herein: That line separating the lot from a street right-of-way. In the case of a corner lot or through lot the lines separating the lot from each street. In the case of lots abutting the lake, the front lot line will be construed to be at the lake line.

LOT LINE, REAR. Lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot. In the case of lots abutting the lake, the rear lot line will be construed to be the lot line abutting the road.

LOT LINE, SIDE. Any lot line that is not a front or rear lot line.

LOT, WIDTH OF. The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum building setback.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.

LUMBER YARD. A lumber yard is a business which emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.

MANUFACTURED HOME. See Mobile Home.

MASSAGE PARLORS. An establishment wherein a substantial or significant portion of its business involves the administration of nontherapeutic massage, erotic touching or fondling, including but not limited to fondling of or erotic touching of human genitals, pubic region, buttock or breasts. A massage parlor does not include medical or therapeutic massage businesses such as state licensed chiropractors and physical therapists or other state licensed, medically-related practitioners. All practitioners employed by such businesses must be licensed.

MASTER DEED. The condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

MASTER PLAN. See "Development Plan".

MEDIA. Anything printed or written, or any picture, drawing, photograph, motion picture, film, video tape or videotape production, or pictorial representation or any electrical or electronic reproduction of anything that is or may be used as a means of communication., Media includes

but shall not be necessarily limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media and undeveloped pictures.

MEDIA SHOP. A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to *adult media shops*. IN that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop be treated as an adult media outlet. See special conditions in Chapter 13, Special Use Permits, for media shops in which adult media constitute more than ten (10%) percent but less than forty (40%) percent of the stock in trade or occupy more than ten (10%) percent but less than forty (40%) percent of the floor area.

MINISTORAGE. See INDIVIDUAL STORAGE FACILITY.

MOBILE/MANUFACTURED HOME. A detached single family dwelling unit with all of the following characteristics:

- (a) Designed for long-term occupancy.
- (b) Contains sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (c) Designed to be transported after fabrication on its own wheels, flatbed, trailer, or detachable wheels.
- (d) Arriving at a site to be occupied as a dwelling unit complete, meeting minimum square footage requirements of nine hundred and eighty (980) square feet for single wide homes and one thousand sixty (1,060) sq. ft. for double wide homes and ready for occupancy except for minor incidental location operations.

MOBILE/MANUFACTURED HOME CONDOMINIUM PROJECT. A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

MOBILE/MANUFACTURED HOME PARK. A parcel 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 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.

MOBILE/MANUFACTURED HOME SPACE. A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.

MOBILE/ MANUFACTURED HOME STAND. That part of a Mobile Home Space which has been reserved for the placement of the Mobile Home, appurtenant structures, or additions.

MOTEL. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term "motel" shall include buildings designed as "auto courts," "tourist courts", "motor courts", "motor hotels", and similar names which are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, "motel" and "hotel" have the same meaning.

NONPROFIT ORGANIZATION. The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization which owns or leases property in the Village of Lakewood Club.

NONCONFORMITY. Any use of land or building, any parcel of land, or any building or other structure which does not comply with all of the District Regulations for the Zoning District in which it is located.

NONCONFORMING USE. Any use of a building, structure, or land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

NURSERY. Land or greenhouses used to raise flowers, shrubs and plants for sale.

OFFICE. An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

OPAQUE. Not pervious to light.

OUTDOOR USE. A use, of which the majority is carried out outside of a structure of any kind.

PARCEL. A parcel is a continuous piece of land under uniform ownership which is occupied or intended for occupancy by principal building or use and any accessory structures or uses thereto. Every parcel shall abut upon and have permanent access to a public street. Also "Lot."

PARKING SPACE. An off-street space, exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

PAVED SURFACE. See **HARD SURFACE.**

PERSONAL SERVICE BUSINESS. A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, grooming, dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.

PLANNED UNIT DEVELOPMENT. An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.

POND. An artificially or naturally confined body of still water, excluding pools.

PORCH. A roofed area, which may be glassed or screened, and is attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air conditioned and, if glassed, when the percentage of window area to wall area is less than 50%.

PRIMARY LIVE ENTERTAINMENT. On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.

PUBLIC STREET. Any vehicular way which: (1) is an existing state, county, or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved. A public thoroughfare which affords the principal means of access to abutting property.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.

RACE TRACK. See "Recreational Use, Commercial."

RECREATIONAL USE, COMMERCIAL. Commercial recreational facilities are for profit establishments providing recreational activities for a fee. In general, these activities are participatory in nature. Commercial recreational facilities include such uses as bowling alleys, roller rinks, race tracks, arcades, indoor driving ranges, etc.

RECREATIONAL USE, PRIVATE. A recreational use carried out entirely on private land for the property owner and his guests' pleasure. Private recreational uses are not open to the public or admissible by a fee.

RECREATIONAL VEHICLE/EQUIPMENT. A vehicular type portable structure without permanent foundation that can be towed, hauled or driven. It may be used for temporary living accommodations for recreational, camping and travel use. These vehicles include but are not limited to campers, travel trailers, truck campers, or motor homes. Other vehicles/equipment also included in this definition are trailers of any kind, personal watercraft, off road vehicles of any kind, snowmobiles and similar vehicles/equipment that may propel a person or is used to transport such vehicles. All described vehicles and/or equipment must have a valid and current license, issued by the State of Michigan in prominent display to be considered licensed.

RESTAURANT. An establishment where food and drink are prepared, served, and consumed primarily within the principal buildings.

RESTAURANT WITH ENTERTAINMENT. Any restaurant, as defined above, with live presentations of any kind.

RETAIL. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL, FOOD. See RESTAURANT.

RIGHT-OF-WAY. Publicly owned property including a street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or utilities.

SADOMASOCHISTIC PRACTICES. Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

SALES AREA. The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.

SEASONAL USE. See "Temporary Building Use" and "Temporary Outdoor Use."

SERVICE AREA. Anywhere fuel is dispensed or any service of the business is performed.

S.E.V. The State Equalized Valuation of the property in question. This is presumed to be fifty percent (50%) of the property's true cash value.

SERVICE BUSINESS. A service business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business. See also "Office Business," "Financial Business," "Personal Service Business."

SETBACK. The distance between the street right-of-way or front lot line and the front line of a building or any projection of the building, excluding uncovered steps.

SEXUALLY ORIENTED BUSINESS. An inclusive term used to describe collectively: adult cabaret, adult motion picture theater, video arcade, bathhouse, massage shop and/or sex shop.

SHOWROOM. A structure used for the display and sale of goods or merchandise.

SIGN. A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign-related terms are defined:

- (a) **AREA, OR SURFACE AREA, OF SIGN.** (See Chapter 5)
- (b) **ELECTRONIC MESSAGE BOARD.** Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.
- (c) **ILLUMINATED SIGN.** A sign that provides artificial light directly or through any transparent or translucent material.
- (d) **INTEGRAL SIGN.** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- (e) **MARQUEE.** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- (f) **MONUMENT or GROUND MOUNTED.** A freestanding sign where the base of the sign structure is on the ground or integrated into landscaping or other solid structural features other than support poles.
- (g) **NONDWELLING USE SIGN.** A sign located on a parcel that does not have a dwelling as its principle structure and is located in the AG, R-1A, R-1, or R-2 district. Examples of the uses that may be associated with nondwellings in these districts include but are not limited to subdivisions, schools, religious institutions, public buildings and cemeteries.
- (h) **POLITICAL CAMPAIGN SIGNS.** Signs announcing candidates for public political office and other data pertinent to an upcoming election.

- (i) **ROOF LINE.** This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- (j) **STREET BANNERS.** Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Village of Lakewood Club Road Administrator.
- (k) **PORTABLE SIGN.** A display, informational sign, banner, pennants, pinwheels, ribbons, streamers, strings of light bulbs or similar devices intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
- (l) **WALL SIGN, FLAT.** One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18") inches at all points.

SITE, AREA. The total area within the property lines excluding rights-of-way, easements, etc.

SITE CONDOMINIUM. See PLANNED UNIT DEVELOPMENT

SITE PLAN. A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations of this Ordinance. Its purpose is to show how the intended use relates to the major landscape features and surrounding area.

SPECIAL USE. The term applies to a use which may be permitted by the issuance of a Special Use Permit by the Village Planning Commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.

SPECIFIED ANATOMICAL AREAS. (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola; and/or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that no more than three (3) horses are boarded.

STATE LICENSED RESIDENTIAL FACILITY. A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. Note that the licensee must be a member of

the household and an occupant of the residence. Note also that none of the following may be construed to be a State Licensed Residential Facility: a nursing home, home for the aged, or hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; nor an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, nor a residential facility licensed by the State to care for four (4) or fewer minors.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3') feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A half-story (1/2) containing independent apartments or living quarters shall be counted as a full story.

STORY, HEIGHT OF. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.

STREET LINE. The legal line of demarcation between a street right-of-way line and land for service, benefit or enjoyment.

STRUCTURE. SEE BUILDING.

SUBDIVISION CONTROL ORDINANCE. An Ordinance enacted by the Village Council to regulate subdividing of land pursuant to P.A. 288 of 1967 as amended.

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

TEMPORARY BUILDING USE. A use in a temporary or permanent structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

TEMPORARY OUTDOOR USE. A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

TRACTOR. A vehicle that may be separated from a trailer, but is principally used to haul a trailer.

TRAILER. A structure, standing on wheels, towed or hauled by another vehicle and used for short term occupation, carrying materials, goods or objects or for use as a temporary office.

TRUCK TERMINAL. An area and buildings where cargo is stored and where trucks are loaded and unloaded on a regular basis.

USE. The employment or occupation of a building structure or land for service, benefit or enjoyment.

VARIANCE. A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Zoning Board of Appeals on Zoning.

VETERINARIAN. One qualified and authorized to treat diseases and injuries of animals.

VIDEO VIEWING BOOTH OR ARCADE BOOTH. Any booth, cubicle, stall or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to film, video or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than six hundred (600) square feet.

VILLAGE BOARD. The Board of Trustees of the Village of Lakewood Club.

VISUAL SCREEN. A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms or densely planted vegetation.

WAREHOUSE. A building used primarily for the storage of goods and materials.

WHOLESALE BUSINESS. A wholesale business is an enterprise which buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

WILD ANIMAL. Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law, absent a license or permit to possess. Wild animals shall include, but not be limited to, the following family groups: Alligators, deer, opossum, badger, dog (wild family), primate (excluding human), bear, wolf, wolf-dog interbred, raccoon, ferret, skunk, cat (wild family), lemur, poisonous spider, coyote, poisonous lizard, weasel, marten.

YARD. An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line (property line) and the building line.

YARD, FRONT. A yard between the front lot line and the nearest point of the main building.

YARD, REAR. A yard between the rear lot line and the nearest point of the main building.

YARD, SIDE. A yard between the nearest point of the main building and any side line.

ZONING ADMINISTRATOR. An individual or consulting firm appointed by the Village Board to administer the Village of Lakewood Club Zoning Ordinance.

ZONING DISTRICT. Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same.