

## **ARTICLE II. CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

### **SECTION 200. CONSTRUCTION**

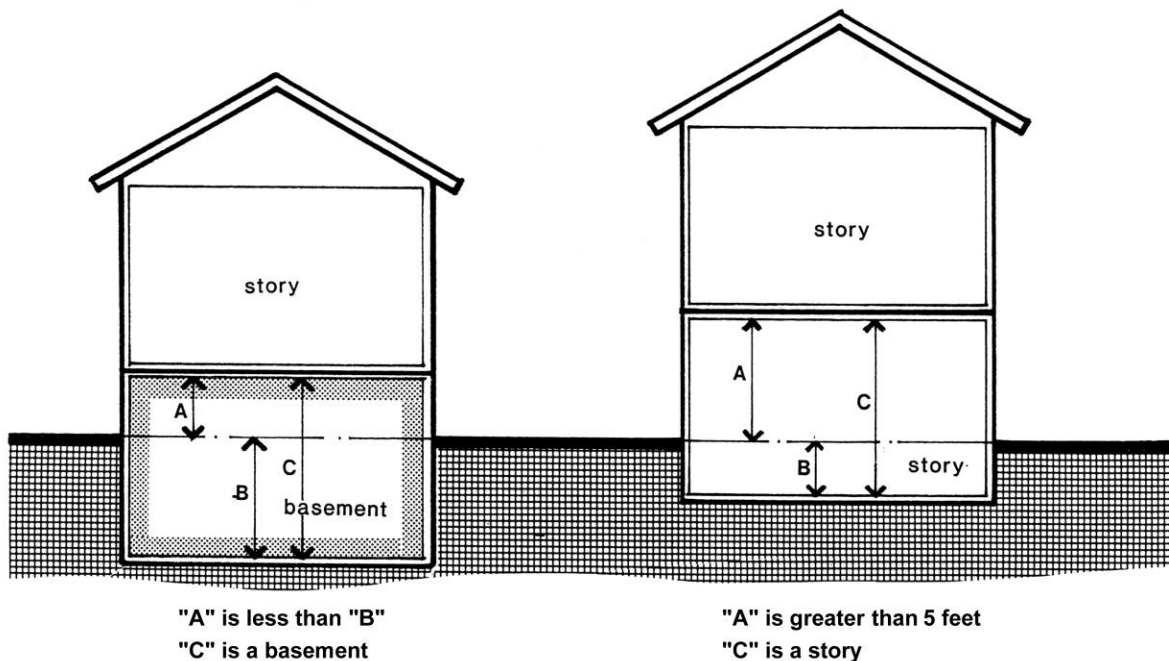
The following rules of construction apply to this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not directory. The word "may" is permissive, directory, and discretionary.
4. When not inconsistent with the context, words used in the present tense shall include the future tense; and words used in the singular number shall include the plural, and the plural the singular.
5. The word "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. 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.
9. Terms not herein specifically defined shall have the meaning customarily assigned to them.

### **SECTION 201. DEFINITIONS**

1. **ACCESSORY:** A use or a structure, lot or portion thereof, which is clearly incidental and subordinate to the principal use or the main structure.
2. **ALLEY:** Any dedicated public way other than a street affording a secondary means of access to abutting property, and not intended for general traffic circulation.

3. **ALTERATION:** Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a structure, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".
4. **ANIMAL FEED LOT:** Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; and any structure, pen or corral wherein cattle, horses, sheep, goats, swine or other livestock are maintained in close quarters for the purposes of fattening before final shipment to market.
5. **APARTMENT:** A room or suite of rooms arranged and intended as a dwelling unit for a single-family or a group of individuals living together as a single housekeeping unit.
6. **APARTMENT BUILDING:** A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more attached single dwelling Units, with a yard, compound, service, or utilities in common.
7. **ATTACHED WIRELESS COMMUNICATIONS FACILITY:** A wireless communications facility affixed to an existing structure, such as an existing building, tower, water tank, utility pole, etc. utilized to receive and transmit federally or state licensed communications services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.
8. **AUTO REPAIR STATION:** A structure or use where the following services are performed: general repair; rebuilding or reconditioning of motor vehicles and/or engines; collision service of motor vehicles, such as body, frame, or fender straightening and repair; or overall painting and undercoating of motor vehicles.
9. **BASEMENT:** That portion of a building which is partly or wholly below grade and having the vertical distance from the average grade to the floor greater than the vertical distance from the average grade to the ceiling.
10. **BED AND BREAKFAST:** A licensed single family dwelling that offers sleeping accommodations to not more than ten (10) lodgers for not more than fourteen (14) consecutive days; is the innkeeper's residence in which the innkeeper resides while renting rooms to the lodgers; and serves breakfast at no extra cost to its lodgers.
11. **BILLBOARD:** A sign that identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located.



## Basement and Story

**Figure** Error! Bookmark not defined.: Basement and Story

12. **BLOCK:** The property abutting one side of a street and lying between the nearest intersecting street (crossing or terminating) and another street or a railroad right-of-way, unsubdivided acreage, lake, river or live stream, any other barrier to the continuity of development, or City boundary line or between any of the foregoing.
13. **BOARD:** The word "Board" shall mean the City of Bad Axe Board of Zoning Appeals.
14. **BOARDING HOUSE:** A licensed single family dwelling in which lodging or meals, or both, are furnished to three or more guests for compensation.
15. **BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and used or built for the shelter or enclosure of persons, animals, or property of any kind. A tent or travel trailer is a building.
16. **BUILDING HEIGHT:** The vertical distance measured from the established finished 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 and gambrel roofs. Where a building is located on a terrace, the height shall be measured from the average finished ground level of the terrace at the building wall.
17. **BUILDING FRONT LINE** A line that coincides with the face of the building nearest the front line 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. For the purposes of this Ordinance, the front line shall be the front setback line.

18. **BULK STATION:** A place where crude petroleum, gasoline, naphtha, benzene, benzal, kerosene, or any other liquid, except such as will stand a test of one hundred fifty (150) degrees Fahrenheit, closed cup tester, are stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.
19. **CAR WASH:** An establishment being housed in a building or portion thereof, together with the necessary mechanical equipment used for washing motor vehicles.
20. **CITY:** City of Bad Axe, Huron County, Michigan.
21. **CITY COUNCIL:** City Council of Bad Axe, Huron County, Michigan.
22. **CLINIC:** A building where human patients who are not lodged overnight or animals are admitted for examination and treatment by a group of physicians, dentists or similar professionals.
23. **CLUB:** A nonprofit organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like.
24. **COLLECTOR STREET:** A street that provides both land access and traffic movement in the local district and is designated as a major thoroughfare on the Thoroughfare Plan.
25. **COMMISSION:** The word "Commission" shall mean the City of Bad Axe Planning and Zoning Commission.
26. **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.
27. **CONVALESCENT OR NURSING HOME:** A building wherein affirmed or incapacitated persons are furnished lodging, shelter, meals, nursing, and/or limited medical attention for compensation.
28. **COUNTY:** The County of Huron, Michigan.
29. **DAY CARE HOME:** A private residence that offers supervision for children or adults for a period of less than 24 hours.
30. **DAY CARE CENTER:** A non-residence, commercial facility that offers supervision for seven or more children or adults for a period of less than 24 hours.
31. **DEVELOPMENT:** The construction of a new structure on a lot, the relocation of an existing structure on another lot, or the use of open land for a new use.
32. **DISTRICT:** A portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

# BUILDING HEIGHT

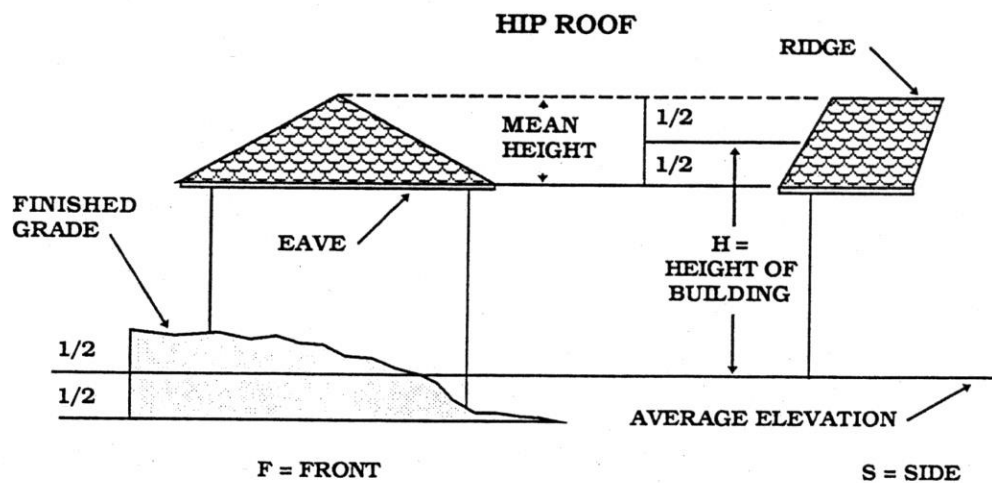
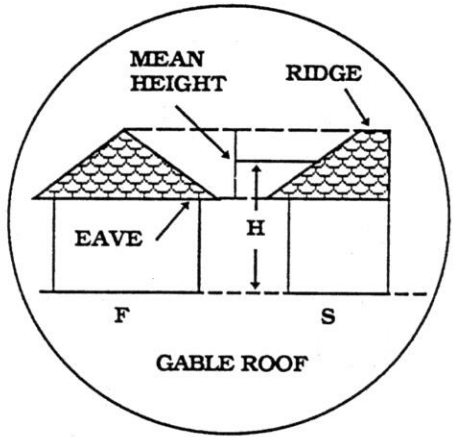
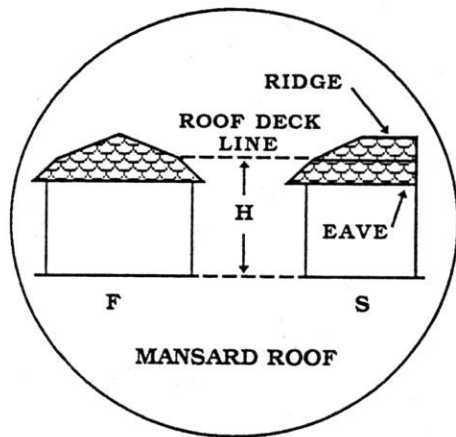
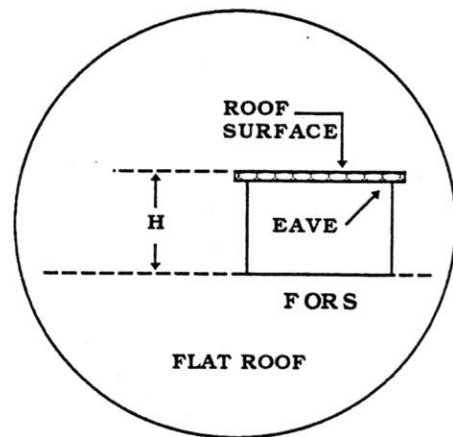
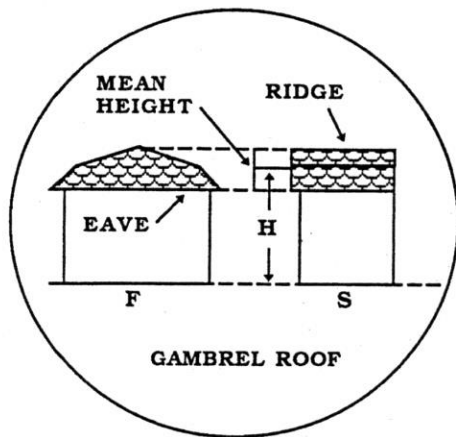
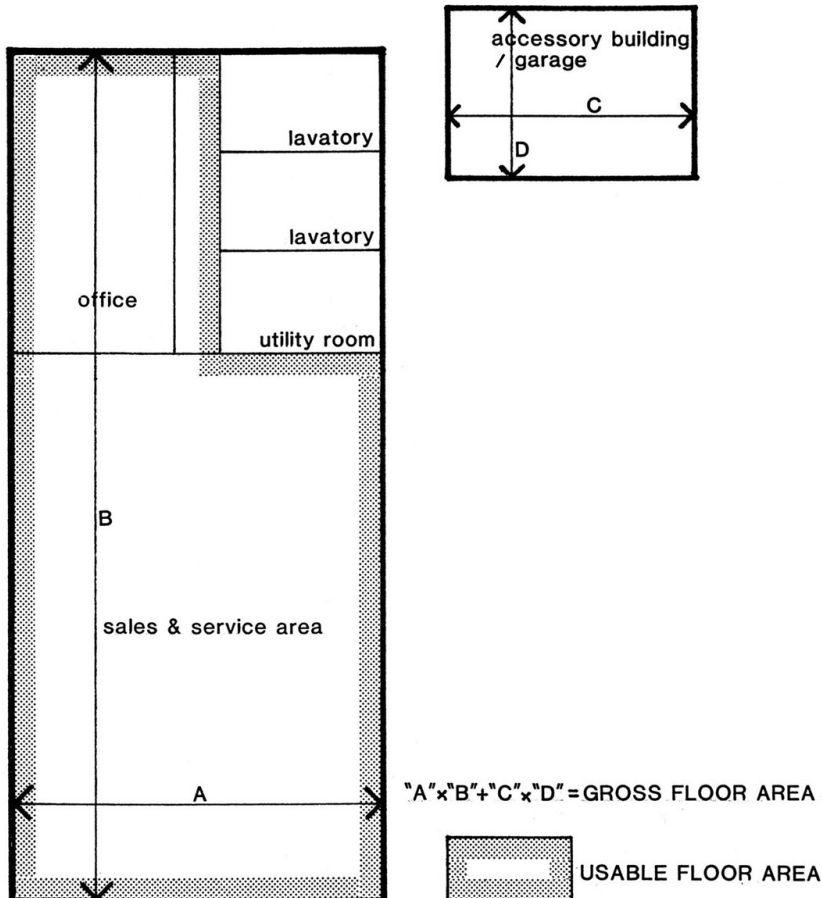


Figure Error! Bookmark not defined.: Building Height

33. 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 structure, or to provide self-service for patrons and food carry-out.
34. DWELLING UNIT A building, or portion thereof, designed exclusively for occupancy for residential purposes and having cooking facilities.
35. DWELLING, SINGLE FAMILY: A building or portion thereof, containing not more than one dwelling unit.
36. DWELLING, TWO FAMILY: A building or portion thereof, containing not more than two separate and independent dwelling units.
37. DWELLING, MULTIPLE FAMILY: A building or portion thereof, containing three or more separate and independent dwelling units.
38. ENVIRONMENTAL AREA: An area determined by the Department of Natural Resources to be necessary for the preservation and maintenance of wildlife, water, soil, open space, and/or forest resources.
39. ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which are required for construction, excavation, fill, drainage, and the like.
40. ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities, private companies, or governmental departments or commissions of underground or overhead gas, electrical, steam or water transmission, distribution, collection, communication, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions or for the public health or safety or general welfare, but not including wireless communications facilities that are solely used for private, commercial purposes.  
  
Essential services shall also include facilities that provide counseling services, assistance, and short term (not more than fourteen (14) days) sleeping accommodations for individuals or families.
41. EXCAVATION: Any breaking of ground, except common household gardening and ground care.
42. EXCEPTION: A use or a modification of the standards of this Ordinance specifically permitted after review; such use or modification being necessary because of impracticality or because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to all applications without

interpretation. An exception is not a variance and applies to a use or modification of the height, bulk, density, yard and area regulations of this Ordinance.

43. **FAMILY:** A group of two or more persons related by blood, marriage or adoption including foster children, together with not more than one additional person not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.



## Floor Area

**Figure 3:** Usable Floor Area

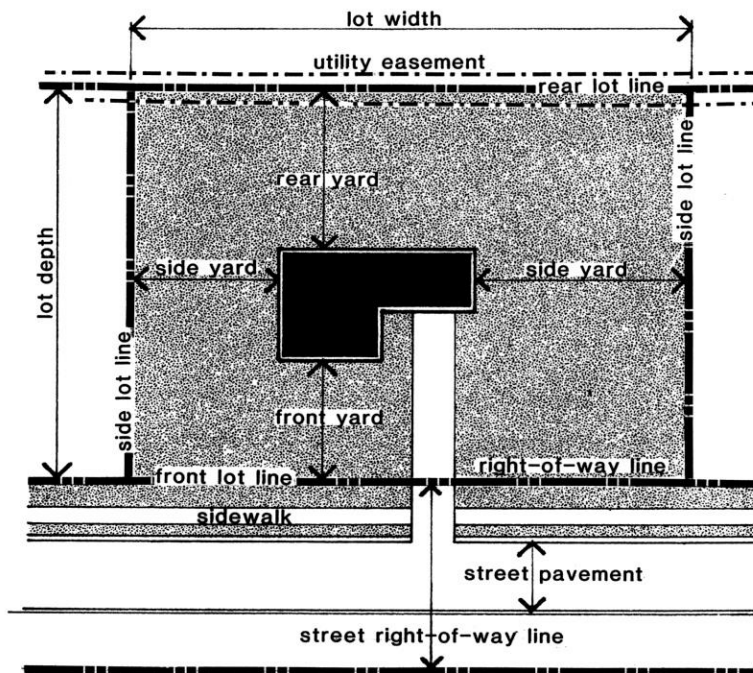
44. **FLOOR AREA, GROSS:** The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two (2) buildings. In particular, gross floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, and accessory buildings; attic floor space (whether or not floors have been laid) providing structural headroom of

seven feet six inches (7' 6"). Gross floor area shall not include: elevator or stair bulkheads, accessory water tanks, or cooling towers; uncovered steps, attic space less than seven feet six inches (7' 6") in height, and open porches, terraces or breezeways, provided that not more than fifty (50%) percent of the perimeter of such terrace, breezeway or open porch is enclosed.

45. FLOOR AREA, RESIDENTIAL: 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 or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
46. FLOOR AREA, USABLE: (For the purpose of computing parking) That area used for or intended to be used for the sale of merchandise or service, or for use to serve patrons, clients, or customers. Such floor area that 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". Measurements 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.
47. GARAGE, PRIVATE: An accessory building or portion of a main building designed or used exclusively for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.
48. GARAGE, SERVICE: A structure or use for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
49. GASOLINE SERVICE STATION: A structure or use 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 auto repair services.
50. 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 ground 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.
51. HIGH RISK AREA: An area which is determined by the Water Resources Commission on the basis of studies and surveys to be subject to erosion.
52. HOME OCCUPATION: An occupation that is traditionally and customarily carried on within a dwelling unit except educational and instructional uses that may be conducted outside the dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.



53. **HOTEL:** A building or part of a building, with a common entrance or entrances, in which dwelling or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms as accessory uses.
54. **HOSPITAL:** An institution for the diagnosis, treatment and/or care of aged, sick or injured people. The term "hospital" shall include sanitarium, rest home, but not nursing home or convalescent home.
55. **IMPROVEMENT:** A feature or action associated with a project that is considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the City and future users or inhabitants of a project or project area, including, but not limited to, roadways, lighting, utilities, sidewalks, screening, and drainage. Improvement does not include the entire project.



## Yard Terms

**Figure 4:** Yards

56. **JUNK YARD:** A structure or use for commercial handling, storage, and/or sale of paper, rags, used or second hand materials, scrap metals, other scrap or discarded materials, and the like; or for the dismantling, storage, or salvaging of automobiles or

other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

57. KENNEL: A structure or use in which three (3) or more dogs, cats or other household pets are permanently or temporarily boarded or bred for remuneration or sold.
58. LOADING SPACE: An off-street space within a building or 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 such space having direct and unobstructed access to a street or alley.
59. LOT: A parcel of land occupied or intended for occupancy by a structure together with its accessory structures and the open spaces, parking spaces and loading spaces required by this Ordinance. A lot may or may not be specifically designated as such on public records.
60. LOT AREA: The total horizontal area included within lot lines. Where the front lot line lies in part of a street, the lot area shall not include that part of the lot in use or to be used as the street.
61. LOT, CORNER: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.
62. LOT COVERAGE: The part or percent of the lot occupied by any structure.
63. LOT DEPTH: The horizontal straight line distance between the front and rear lot lines, measured along the median between side lot lines.
64. LOT, DOUBLE FRONTAGE Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot.
65. LOT, INTERIOR A lot other than a corner lot.
66. LOT LINES: The lines bounding a lot as defined herein:
  - a. Front Lot Line: That side of the lot abutting a public or private street right-of-way or abutting a lake; in the case of a corner lot or a double frontage lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage except where there is a row of double frontage lots, one street shall be designated as the front street for all lots on the plat and any building permit.
  - b. Rear Lot Line: That lot line which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, a line ten (10) feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.

- c. Side Lot Line: Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a Side Street Lot Line. A side lot line separating a lot from another lot or lots shall be known as an Interior Side Lot Line.
- 67. 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.
- 68. LOT WIDTH: The horizontal straight line distance between the side lot lines, measured at the two points where the building line or minimum required front setback line intersects with side lot lines.
- 69. MAJOR THOROUGHFARE: An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare on the Thoroughfare Plan.
- 70. MEZZANINE: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.
- 71. MANUFACTURED HOME: A detached single-family dwelling unit with all of the following characteristics:
  - a. Designed for long-term occupancy.
  - b. Containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to an outside system.
  - c. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers on detachable wheels.
  - d. Arriving at site to be occupied as a dwelling unit complete, including appliances and furniture and ready for occupancy, except for minor and incidental location operations.
- 72. MANUFACTURED HOME MODULE: A prefabricated structure to be occupied as a detached dwelling unit with all of the following characteristics:
  - a. Designed for long term occupancy.
  - b. Containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to an outside system.
  - c. Designed to be transported on a flat bed.
  - d. Designed to be incorporated at a building site into a structure on a permanent foundation.
- 73. MANUFACTURED HOME PARK: A parcel of land fifteen (15) acres or more, intended and designed to accommodate sixty (60) or more manufactured homes for residential use, which is offered to the public for that use along with any structure, facility, area or equipment permitted and incidental to the residential use, and licensed by the State of Michigan under Public Act 96 of 1987, as amended.

74. **MANUFACTURED HOME SPACE:** A plot or parcel of land within a Manufactured Home Park designed to accommodate one (1) manufactured home.
75. **MANUFACTURED HOME STAND:** That part of a Manufactured Home Space which has been reserved for the placement of a Manufactured Home, appurtenant structures, or additions.
76. **MOTEL:** A series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space, which are rented for overnight lodging primarily to the public traveling by motor vehicle.
77. **NON-CONFORMING USE:** A structure or portion thereof, or the use of a structure or land lawfully existing at the time this Ordinance, or amendments thereof, became effective, but which does not conform with the use regulations of the district in which it is located.
78. **NUISANCE:** An offensive, annoying, unpleasant or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeated excessive or concentrated invasion of any activity or use across a property line which can be perceived by or affects a human being, such as, but not limited to: (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) effluent, (m) noise from the congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonbutting street frontage by traffic, (p) dirt, or (q) fly ash.
79. **NURSERY:** A structure or use, 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, but not including a structure or use for the sale of fruits, vegetables, or Christmas trees.
80. **OCCUPIED:** Arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.
81. **OFF-STREET PARKING LOT OR FACILITY:** A structure or use providing parking spaces for more than three (3) motor vehicles along with adequate drives and aisles for maneuvering.
82. **OFFICE:** A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, accounting, filing, recording, communication and/or stenographic equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties; and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service.
83. **OPEN FRONT STORE:** A business establishment so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter the building. The term "Open Front Store" shall not include auto repair stations or gasoline service stations.
84. **OPEN SPACE:** Any unoccupied space open to the sky on the same lot with a building.
85. **PARKING SPACE:** An area of definite length and width exclusive of drives, aisles or entrances and fully accessible for the parking of motor vehicles.

86. **PLAN:** The general development plan including the general location for streets, parks, schools, public buildings, and all physical development of the City and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted in written form by the Planning Commission and/or the City Council.
87. **PRINCIPAL USE:** The main use to which the premises are devoted and the principal purpose for which the premises exist.
88. **PUBLIC UTILITY:** A person, firm, corporation, municipal or county department, or board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, telegraph, telephone, transportation or water.
89. **RECREATION AREA:** An area designated for sport or outdoor activities only, whether natural or improved, public or private.
90. **RECREATIONAL VEHICLE:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a travel trailer and shall be subject to all regulations of this Ordinance applicable to travel trailers.
91. **RIGHT-OF-WAY:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
92. **SETBACK:** The minimum horizontal distance a structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.
93. **SIGN:** Any outdoor sign, name identification, description, display, device, figure, painting, drawing, message, placard, poster, billboard or illustration which is affixed to or represented directly or indirectly upon a structure or land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. A "sign" shall not include any display of official court or public office notices nor shall it include the flag of a political unit or school.
94. **SIGN, ACCESSORY:** A sign which directs attention to a person, product, business or profession conducted or located upon the same premises.
95. **SIGN, NONACCESSORY:** A sign which directs attention to a business, commodity, activity, service, or entertainment conducted, sold, placed, or otherwise offered elsewhere than on the premises where the sign is located.
96. **STORY:** The part of a building, except a mezzanine, 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.

97. STORY, HALF: An uppermost story lying under a sloping roof having a floor area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6").
98. STREET: A public right-of-way, other than an alley, which affords the principal means of access to abutting property.
99. STREET LINE: The legal line of demarcation between a street right-of-way line for service, benefit or enjoyment.
100. STRUCTURE Anything constructed or erected, including a building, the use of which requires location on the ground or attachment to something having location on the ground, excluded are fences, sidewalks, paving on streets, driveways, parking areas, and patios.
101. STRUCTURE, ACCESSORY: A structure or portion thereof subordinate to and on the same lot as a main structure and devoted exclusively to an accessory use.
102. STRUCTURE, MAIN: A structure or portion thereof in which is conducted the principal use of the lot on which it is located.
103. TELEVISION SATELLITE DISH: The term Television Satellite Dish shall mean every device capable of receiving television signals from satellites.
104. TEMPORARY BUILDING AND USES: A structure or use permitted to exist during periods of construction of the main use, or for special events.
105. TERRACE: A row of four (4) or more attached, one (1) family dwellings, not more than two (2) rooms deep, and having the total dwelling space on one floor.
106. TRAVEL TRAILER: A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses or designed for a temporary office or business use.
107. USE: The purpose for which land, premises, or a structure is arranged, designed or intended, or for which land, premises or a structure is or may be occupied.
108. USE, CHANGE OF: A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of:
  - a. a discernible increase in the intensity of use, which by Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or
  - b. an alteration by change of use in a building heretofore existing to a new use group, as defined in the City Building Code, which imposes other special provisions of law governing building construction, equipment, or means of egress.
109. USE, INCREASE IN THE INTENSITY OF: A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.

110. VARIANCE A modification of the literal provisions of this Ordinance granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. A variance is not an exception.
111. WALL, OBSCURING: A structure of definite and continuous height, length, and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
112. WIRELESS COMMUNICATIONS FACILITY: All facilities, structural, attached, accessory or otherwise, related 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, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, ham and amateur radio facilities, television reception antennae, satellite dishes, and government facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition. A wireless communications facility shall not be included under the existing definition of "essential services."
113. WIRELESS COMMUNICATIONS FACILITY, CO-LOCATION: The location by two (2) or more wireless communications providers, public authority or other duly authorized party of wireless communications facilities on an existing structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use communications facilities within the City of Bad Axe.
114. WIRELESS COMMUNICATIONS SUPPORT STRUCTURE (Tower): Any wireless communications facility erected or modified to support attached wireless communications facilities, or other antennae or facilities, including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an attached wireless communications facility or similar apparatus above grade. This includes, but are not limited to, any ground or roof-mounted pole, monopoles, lattice towers, light poles, utility support structures, wood pole, guy wired tower, spire, other similar structure or combination thereof, or other structures which appear to be something other than a mere support structure.
115. YARD: The open space on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.
116. YARD, FRONT: 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.
117. YARD, REAR: 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 lot, the rear yard may be opposite either street frontage.

118. YARD, SIDE: 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 minimum horizontal distance from the nearest point on the side lot line to the nearest point of the main building.