

ARTICLE II DEFINITIONS

For the purposes of this Ordinance, certain terms, or words used herein shall be interpreted as follows: All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word 'building' includes the word 'structure', and the word 'dwelling' includes 'residence'; the word 'person' includes 'corporation', 'association', as well as an 'individual'; the word 'shall' is mandatory and the word 'may' is permissive; the word 'lot' includes the words 'plot' or 'parcel'; the words 'used' or 'occupied' includes the words 'intended', 'designed' or 'arranged to be used or occupied'. Terms not herein defined shall have the meaning customarily assigned to them in the Webster New Collegiate Dictionary.

Accessory Building: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land. For purposes of clarification, shipping/cargo containers, railroad cars, converted mobile homes, bus bodies, vehicle bodies and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory buildings and are not accessory structures and are prohibited from being located on residential property and/or being utilized for storage on residential property unless specifically authorized in the Zoning Ordinance.

(Amended: 7-27-15 per Ordinance No. 869)

Accessory Use, or Accessory: A use which is clearly incidental to, customarily found in connection with and, unless otherwise specified, located on the same zoning lot as the principal use to which it is related. When 'accessory' is used in this Ordinance, it shall have the same meaning as accessory use.

Acre (Net): A parcel of land forty-three thousand five hundred and sixty (43,560) square feet in area exclusive of area under water and exclusive of area within the right-of-way requirements as adopted by the City of Auburn Hills, Board of Oakland County Road Commissioners, and Michigan Department of Transportation.

Acre, (Gross): A parcel of land forty-three thousand five hundred and sixty (43,560) square feet in area including all the area within the legal description of the parcel, and the area within the right-of-way as adopted by the City of Auburn Hills, Board of Oakland County Road Commissioners, and Michigan Department of Transportation

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

Adult Motion Picture Theater: The use of property commercially for displaying materials a significant portion of which include matter depicting, describing or presenting specified sexual activities for observation of patrons.

1. 'Significant Portion' As used in the definition of adult motion picture theater, the phrase Significant Portion shall mean and include either or both of the following:
 - A. Any one or more portions of the display having a duration in excess of five (5) minutes; and/or
 - B. The aggregate of portions of the display having a duration equal to ten (10%) percent or more of the single display as a whole.
2. 'Specific Sexual Activities' The explicit display of one or more of the following:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse or sodomy; or
 - C. Fondling or other erotic touching of human genitals, pubic region, buttock or breast.

Agriculture: Any use of substantially undeveloped land, of five (5) acres or more in size, for the production of plants and animals useful to man, including forages and sod crops, grains and feed crops, dairy and dairy products; livestock, including breeding and grazing; fruits; vegetables; Christmas trees; and other similar uses and activities.

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

Alterations: Any change, addition, or modification to a structure or type of occupancy, any change 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'.

Antenna: The arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves.

Antenna Support Structures: Any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas for the purpose of transmission or reception of electromagnetic waves by Federally licensed radio amateurs.

Antenna Height: The overall vertical length of the antenna support structure above grade, or if such system is located on a building, then the overall length includes the building upon which the structure is mounted.

Apartments: A residential structure containing three (3) or more attached one (1) family dwellings.

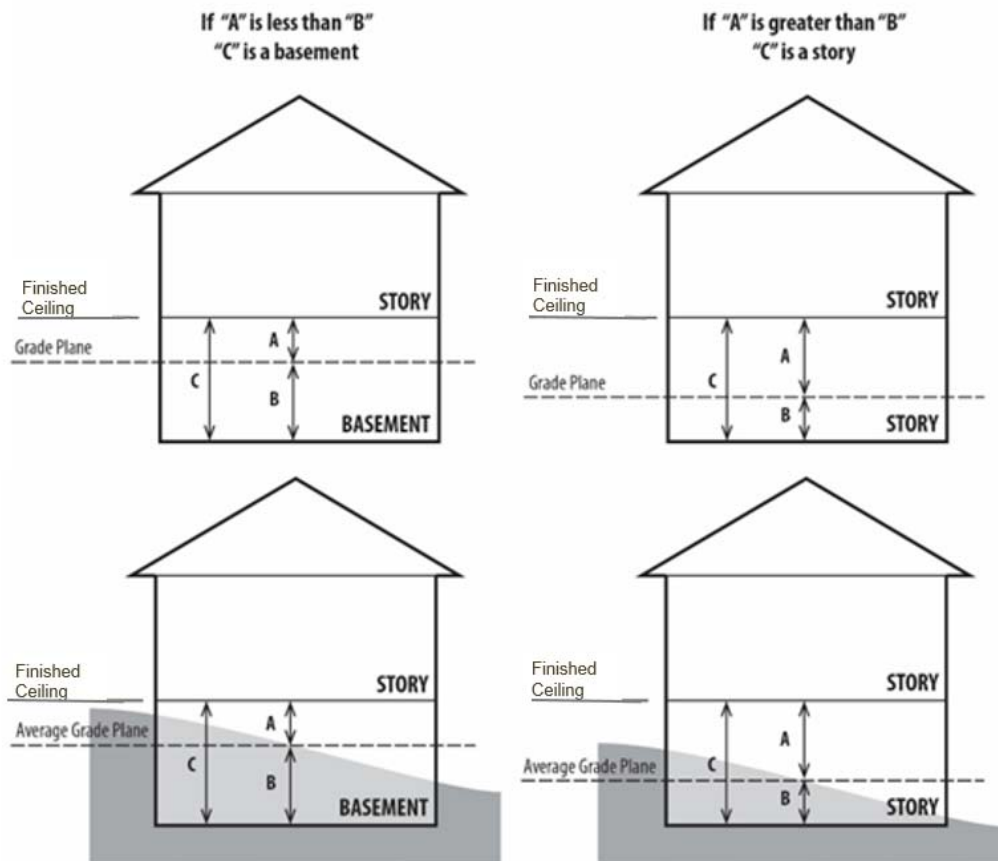
Ashes: The residue from the burning of wood, coal, coke or other combustible materials.

Automobile Dealership: A place where automobiles, vans, trucks, and similar vehicles are sold, and where service may be carried out for minor repair and servicing, and where bumping and painting is clearly accessory to the use.

Auto Repair or Service Garage: A place where the following activities may be carried out: vehicle body repair, component rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

Automotive Service Center: A place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, and only when the location of such automotive service center is architecturally designed and located on the site so as to become an integral part of a larger planned shopping center complex.

Basement: That portion of a building having more than one-half of its height below grade. A basement shall not be counted as a story. *(Amended: 11-28-16 per Ordinance No. 884)*



Berm: A mound of soil piled in such a fashion as to be utilized for screening or transition purposes.

Billboard: Any freestanding structure or portion thereof designed or intended to be used for the posting, painting, or otherwise affixing any sign, whether such sign is accessory or non-accessory, whether such sign is rented for remuneration or not, whether or not such sign is periodically changed, and when such sign exceeds more than one hundred and fifty (150) square feet in area.

Board of Appeals: The Board of Zoning Appeals of the City of Auburn Hills.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation for three (3) or more persons by pre-arrangement for definite periods. A boarding house shall be distinguished from a hotel.

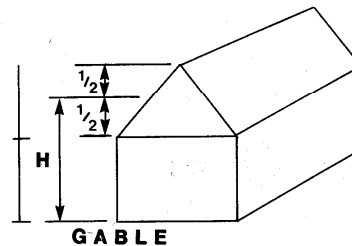
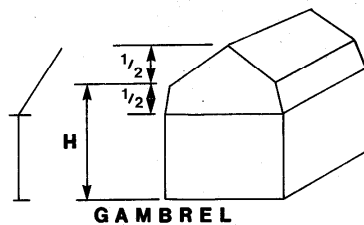
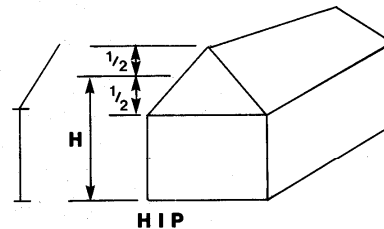
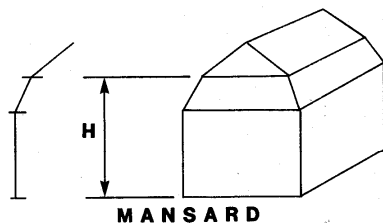
Buffer, Landscaping: The area between the right-of-way and a parking lot or vehicular use area. The intent is not to be a complete screen, but to combine trees, and other landscape elements in a pleasing transition area.

Buildable Land Area: The buildable area of a lot or parcel is the space remaining after yard, parking, or any other requirements of this Ordinance have been met. The buildable area of a lot or parcel for the purpose of density calculations, and habitation by large animals such as horses and cows, shall be that area of the lot or parcel exclusive of land which is within the established floodplain, watercourse, floodway, drainage course, wetland, or any other subaqueous area. In the case of large animals, up to ten percent (10%) of the area within floodplain, watercourse, floodway, drainage course, wetland or any other subaqueous area may be used towards total minimum land area computations. In the case of large animals such as horses and cows, building area shall also be excluded from the land area if more than ten percent (10%) of the buildable area is in buildings for the purpose of this definition and Ordinance.

Building: A 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 such purposes.

Building Accessory: A subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

Building Height: The vertical distance measured from the established grade of the center of the front of the building 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; and the average height between the lowest point and the highest point on a shed roof. 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.



H = Height of building

Building Height

Building Inspector: The Building Inspector or Official designated by the City Council to inspect.

Building Line: A line formed by the face of the building, and for the purposes of this Ordinance, a building line is the same as a front setback line.

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

Bus: A motor vehicle which is designed to carry more than ten (10) passengers and which is used for the transportation of persons and also means a motor vehicle, other than a taxi cab, which is designed and used for the transportation of persons for compensation. The term does not include a school bus or a bus that is equipped and used for living or camping purposes.

Camper Enclosure: A structure or enclosure designed for mounting on a pick-up truck or truck chassis in such a manner as to provide temporary living or sleeping quarters including, but not limited to, a slide-in camper or truck cap.

City Council: The duly elected or appointed City Council of the City of Auburn Hills.

Clinic: A place for the care, diagnosis and treatment of sick or injured persons, and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for inpatient care or major surgery.

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

Commercial Equipment: Any machinery, parts, accessories, construction equipment or other equipment used primarily in the course of conducting a trade or business.

Commercial Use: The use of property in connection with, or for, the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices or recreation or amusement enterprises.

Commercial Vehicle: A vehicle of the bus, truck, van or trailer-type, which is designed, constructed or used for the transportation of passengers for compensation, the delivery of goods, wares or merchandise, the drawing or towing of other vehicles, or for other commercial purposes. The term includes, but not to the exclusion of any other types not specifically mentioned herein, truck-tractors, semi-trailers, step-vans, dump trucks, tow trucks, pick-up trucks and sedan or panel vans in excess of one-ton capacity used primarily for commercial purposes, and pole trailers.

Conflicting Land Uses: Any situation which results in a residential use abutting any office, commercial, industrial, research, utility, storage, or parking use shall be deemed to be conflicting land uses.

Construction Equipment: A bulldozer, front-end loader, backhoe, power shovel, cement mixer, trencher, and any other equipment designed or used for construction, including parts and accessories thereto, or trailers designed for the transportation of such equipment.

Convalescent Homes and Congregate Care Facilities: The term 'Convalescent Home' and 'Congregate Care Facility' shall mean any structure with sleeping rooms where persons are housed or lodged and are furnished with meals, or with meals, nursing and medical care.

Development: The construction of a new use or building, or other structure on a lot or parcel, the relocation of an existing use or building on another lot or parcel, or the use of acreage or open land for a new use or building.

Disposal: The incineration, long term storage, treatment, or the discharge, deposit, injection, dumping, spilling, leaking, or placing of a waste into or on land or water in a manner that the waste, refuse, industrial solid or other waste, or a constituent of the waste enters the environment, is emitted into the air, or discharged into water, including groundwater.

Disposal Facility: The location, equipment, or facility where wastes, solid waste, refuse, industrial solid or other wastes are disposed of, including a disposal facility associated with, within, or adjacent to facilities generating the waste.

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

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

Drive-In Restaurant: A business establishment for the predominant serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor

vehicles and to permit patron self-service for consumption within motor vehicles, as differentiated from a restaurant with indoor seating only, even though the establishment may have some indoor seating.

Drive-Through Restaurant: Establishments where patrons, without leaving their motor vehicles, pick up food to be eaten off the premises or in their cars.

Driveway: For the purposes of this Ordinance a driveway shall mean:

1. Residential - a road or way for the exclusive use of one residence and leading from a residential garage (or parking space accessory to a residential use) to a public or private street which services more than one (1) residence. Only that portion which is intended for the exclusive use of a single family residence shall be considered a driveway.
2. Other than residential - a way for ingress or egress leading from a public or private street to a parking lot or other area accessory to a permitted use(s) in other than residential zoning districts. Any road or way which passes over lands owned, dedicated or deeded to an entity not a part of the development served, shall not be considered a driveway.

Dwelling Unit: A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

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

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

Dwelling, Multiple-Family: A building, or portion thereof, designed exclusively for occupancy by three (3) or more families, in separate units, and living independently of each other. (Refer to 'Apartments' definition for dwelling unit types).

Engineer: The registered full time or consulting engineer of the City.

Entrance Ramp: A roadway connecting a feeder road with a limited access road and used for access onto such limited access road.

Erection: Any physical operations on the premises required for construction or moving of and this includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Excavation shall mean any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.

Exit Ramp: A roadway connecting a limited access road with a feeder road and used for access from such limited access road to a feeder road.

Family: For the purposes of this Ordinance a family shall be defined as:

1. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period, nor shall it include residents of a State licensed residential facility except to the extent required by PA 184 of 1984, as amended.

Family Motion Picture Theater: A family theater is a use of the property commercially for displaying materials to all age groups, or the general public, and are typically advertised as G-general viewing, GP-parental guidance, or R-restricted, as opposed to X-adult (refer to definition of Adult Motion Picture Theater).

Farm: The carrying on of any agricultural activity or the maintaining or raising of livestock, or small animals, as a source of income when conducted on at least five (5) acres or more. In the instance of the

raising for profit of horses, cows, or other large animals that weigh two hundred (200) pounds or over at maturity, the minimum site size shall be five (5) acres, plus one (1) acre for each additional animal. The keeping of a horse, for the purpose of this Ordinance, shall also constitute a farm and require at least two (2) acres for the first horse plus one (1) acre for each additional horse. In no instance shall the keeping of a horse be allowed in subdivisions on platted lots of less than two (2) acres.

Fast Food Restaurant: A self-service or drive-through restaurant which sells food and beverages in disposable containers or wrappers for consumption inside or outside the building, in motor vehicles, or off premises.

Fence: A barrier of fabric or material, and of definite height and location.

Fence, Obscuring: A barrier of sufficient height and location to serve as an obscuring screen or buffer.

Filling: The depositing, removal, redistribution or placement of soil on land in a manner which alters the pre-existing contour or elevation of said land.

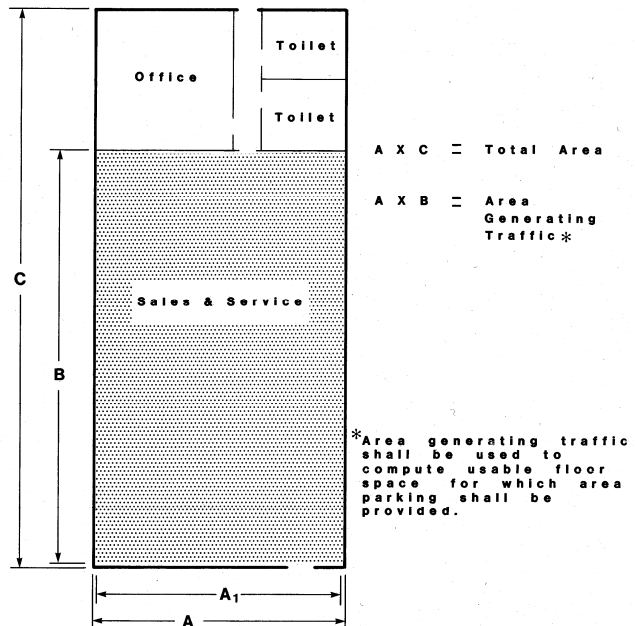
Firearm: An instrument which is capable of propelling a missile by means of exploding or burning powder.

Floodplain: The 'floodplain' shall be herein defined as that area identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Pontiac Township" with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, hereby adopted by reference and declared to be a part of this Ordinance. This Flood Insurance Study is on file at the City Building Department.

Floor Area (Residential): The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

1. **Bi-Level:** A house with two (2) levels and no basement, the first floor being partially below grade such that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor.
2. **Tri-Level:** A house with three (3) levels, the first level being located partially below grade, the second level being located at or slightly above grade, and the third level being located one-half (1/2) level up from the second level and directly over the first level. The first level shall be counted as either a story or a basement depending on its location in relation to the average grade (see definition of basement).
3. **Quad-Level:** A house similar to a tri-level but with the addition of a fourth level. The third level is usually located directly above the first and the fourth level and is usually located directly above the second. The first level shall be counted as either a story or a basement, depending on its location in relation to the average grade (see definition of basement).

Floor Area, Usable: For the purposes of computing parking, usable floor area is all ground and nonground floor area used for, or intended to be used for, the sale of merchandise or services or for the use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, and/or computers shall be excluded from this computation of "Usable Floor Area." For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients, shall be measured to determine necessary parking spaces.



Usable Floor Area

Foster Care Facilities:

1. **Child Foster Family Home:** A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family home pursuant to Public Act 116 of 1973, as amended, for more than two (2), but not more than four (4) minor children who are unrelated to the other occupants thereof and are given care and supervision for twenty-four (24) hours a day for four (4) or more days a week and unattended by a parent or legal guardian, by or under the supervision of Licensee under said State Law.
2. **Child Foster Family Group Home:** A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family home pursuant to Public Act 116 of 1973, as amended, for more than four (4), but less than seven (7) minor children who are unrelated to the other occupants thereof and are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week and unattended by a parent or legal guardian, by or under the supervision of the Licensee under said State Law.
3. **Adult Foster Family Home:** An establishment, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family group home pursuant to Public Act 287 of 1972, as amended, for not more than six (6) adults who are unrelated to the other occupants thereof and are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, by or under the supervision of the Licensee under said State law.

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

Garbage: Putrescent solid and semi-solid animal or vegetable wastes resulting from the production, handling, preparation, cooking, service or consumption of food or food materials.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, which also may be together with the sale of minor accessories and the servicing of the minor repair of automobiles

Grade: A reference plan representing the average of the finished ground level adjoining the building at all exterior walls.

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

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

Helicopter: A vehicle which essentially can lift off the ground in a nearly vertical direction. This is referred to as 'vertical takeoff or landing' (VTOL).

Heliport: A facility to accommodate the operation of helicopters.

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

Hospital: A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily inpatient services, and including such related facilities as laboratories, outpatient departments, central service facilities, and staff offices.

Hotel: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation.

Housing for the Elderly Facilities: Housing for the elderly projects are those developments which provide living environments limited to senior citizens, as opposed to the general public. Such building shall not contain equipment for surgical care or for the treatment of disease or injury, other than for emergency first-aid care.

Industrial Use: Any land or building occupied or used for purposes allowed in I-1, I-2, and I-3 Districts as permitted in this Ordinance.

Junk Yard: 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 'junk yard' as differentiated from a vehicular salvage yard, includes an 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. (Refer to City of Auburn Hills Junk Yard and Dismantling Ordinance No. 173).

Kennel, Commercial: Any lot or premises on which three (3) or more dogs, six (6) months old or over for sale, breeding, boarding, or training purposes, are either permanently or temporarily boarded for remuneration.

Laboratory: A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landscape Elements: Living plant material such as, but not limited to, grass, ground cover, shrubs, vines, hedges, or trees, and non-living, durable material commonly used in landscape development, such as crushed rock, brick, woodchips, cobblestones, brick, tile, or decorative blocks, whether as a vertical element such as a wall, or a horizontal element such as a bed, walk, or path.

Land Area (Net): All the area within the confines of a given legal description exclusive of areas under water and within the proposed right-of-way requirements as adopted by the Board of County Road Commissioners of Oakland County, Michigan, or the Auburn Hills City Council.

Land Area (Gross): All areas within the confines of a given legal description including areas under water and including areas within the right-of-way.

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

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

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

Lot: A lot is an existing parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A parcel of land described by metes and bounds;
4. An existing nonconforming lot or portion thereof.

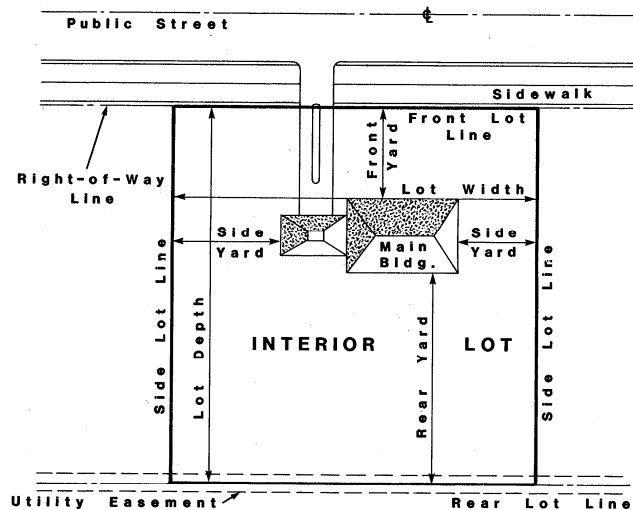
Provided that in no case shall any division or combination create a residual lot or parcel which does not meet the requirements of this Ordinance.

Lot Area: The total horizontal area within the lot lines of the lot. All the area within the confines of a given legal description, including areas under water and including areas within the proposed right-of-way requirements as adopted by the Board of County Road Commissioners of Oakland County, Michigan, or the Auburn Hills City Council, shall be used for computing lot area.

Lot, Corner: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered to be a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees.

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

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



Lot Area = Total Horizontal Area.

Lot Coverage = Percent of Lot Occupied by Building.

Lot Area

Lot, Double Frontage: Any lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage and shall meet front yard setback requirements. (Refer to the following Front Lot Line definition.)

Lot, Interior: Any lot other than a corner lot with one (1) street frontage.

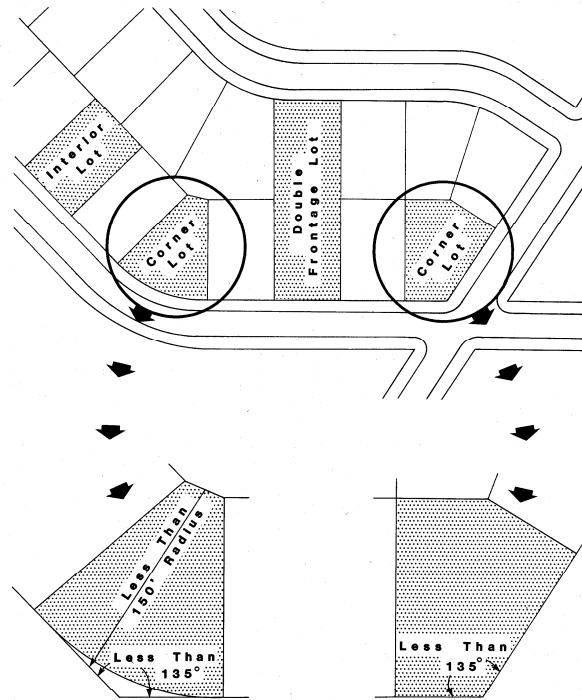
Lot Lines: The lines bounding as defined herein:

1. **Front Lot Line:** In the case of an interior lot, the front line shall be in the line separating the lot from the street, except if the shape of the parcel, or some other reason, makes it impractical to use said line as the front line, another line may be used as the front upon approval by the Board of Appeals, if the placement of the structure(s) and resulting yards are consistent with, and more easily blend with, the other buildings and development in the adjoining area. In the case of a corner lot, the front lot line is that line separating said lot from the street or streets, which is designated as the front street in the plat and in the application for a building permit or zoning.
2. **Rear Lot Line:** The 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 lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is a side lot line.

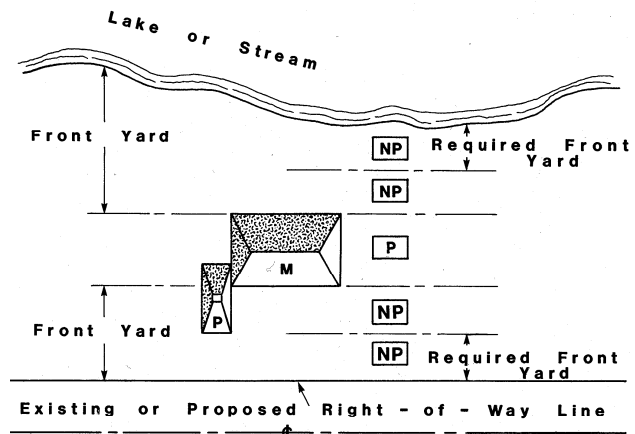
Lot, Nonconforming: A parcel of land described by metes and bounds, or a lot of record or a portion of a lot of record, which does not meet the requirements of this Ordinance.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot, Water Frontage: In the case of lots abutting ponds, lakes, and rivers, said lots shall be considered to be double frontage lots as defined above.



Double Frontage , Interior & Corner Lots



M - Main Building
 P - Accessory Building (Permitted)
 NP - Accessory Building (Not Permitted)

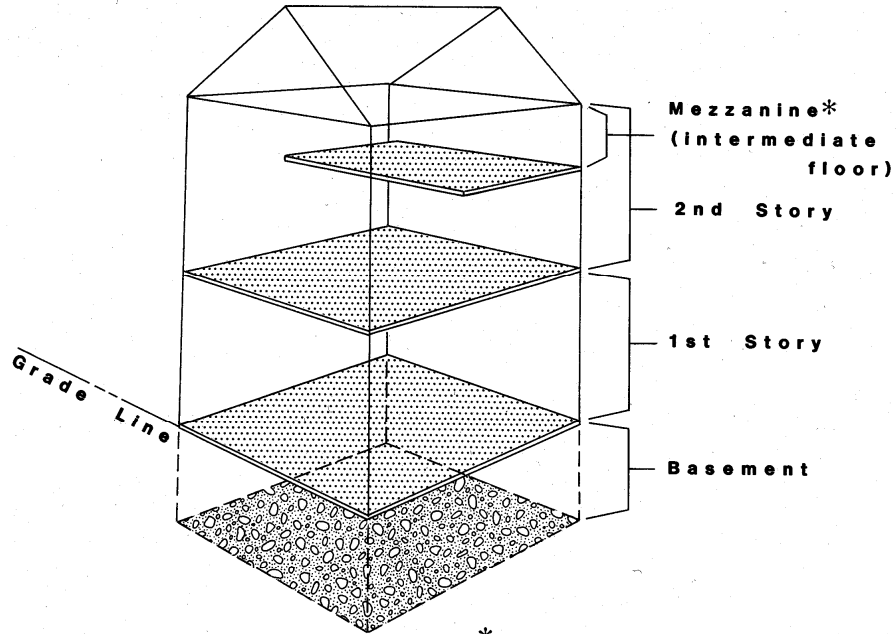
Water Frontage Lot

Lot Width: The horizontal distance between the side lines measured at the two (2) points where the building line, or setback, intersects the said lot lines. The arc shall be used in lieu of a straight line where lots have curved frontage.


Master Land Use Plan: A comprehensive plan including graphic and written proposals indicating the general location of streets, parks, schools, public buildings and all physical development of the City. This shall include any element or part of such plan, and any amendment to such plan or parts thereof.


Master Right-of-Way Plan or Major Thoroughfare Plan: The right-of-way and/or thoroughfare plans officially adopted by the City, the County of Oakland and the Michigan Department of Transportation.

Mezzanine: An intermediate or fractional story between the floor and ceiling or a main story occupying not more than one-third (1/3) of the floor area of such main story.



*Not to exceed 1/3 of floor area of story within which it exists.

 Floor Area - (to be measured as minimum allowable)

 Floor Area - (not measured as minimum allowable)

Basic Structural Terms

Migratory Labor Camp: Temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential, but temporary employment.

Mobile Home: A structure, 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, (if included), and electrical systems contained in the structure.

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 nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility, used or intended for use incidental to the occupancy of a mobile home.

Motel or Motor Court: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Municipal Civil Infraction shall mean a violation of a provision of this Zoning Ordinance for which the remedy and/or penalty is prescribed to be a civil fine or other sanction other than a criminal penalty. A municipal civil infraction is not a lesser included offense of a criminal offense or of an ordinance violation that is not a civil infraction.

(Added: 8-09-04 per Ordinance No. 740)

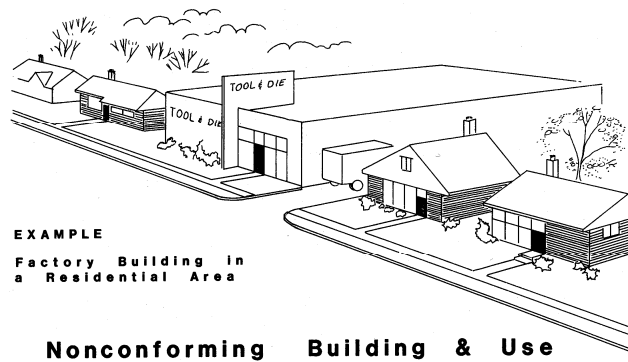
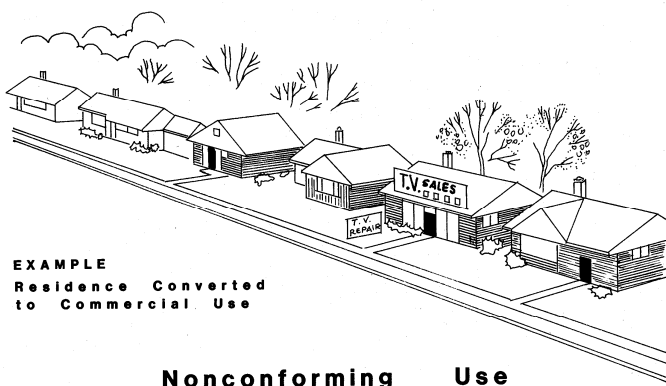
Municipal Civil Infraction Determination shall mean a determination that a defendant is responsible for a municipal civil infraction by one of the following:

- (a) An admission of responsibility for the municipal civil infraction.
- (b) An admission of responsibility for the municipal civil infraction, "with explanation."
- (c) A preponderance of the evidence at an informal hearing or formal hearing.
- (d) A default judgment for failing to appear at a scheduled appearance.

(Added: 8-09-04 per Ordinance No. 740)

Nonconforming Structure: A structure or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of this Ordinance, nor to the regulations of the district in which it is located.

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



Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

Nuisance Per Se: shall mean any violation of this Zoning Ordinance, including any uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, raised, or converted in violation of this Zoning Ordinance, and shall also include violation of any regulatory measures or permit approvals (including conditions thereon) adopted or granted by the Auburn Hills Zoning Board of Appeals, Auburn Hills Planning Commission and/or the Auburn Hills City Council.

(Added: 8-09-04 per Ordinance No. 740)

Nursery, Plant Material: Any land, space, building, or structure, or combination thereof, used for the storage of live trees, shrubs or plants, but not including any land, space, building or structure, or any part thereof, used for the sale of fruits, vegetables or harvested and cut Christmas trees.

Nursing Home: Also Convalescent or Rest Home: A home, whether operated for profit or not, for the care of the aged, infirm, or those suffering from bodily disorders, wherein more than two (2) persons are housed or lodged and furnished with nursing care.

Occupied: Being in actual or constructive possession of a structure or land.

Occupancy Load: The maximum number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designed.

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 vehicles.

Parking Lot: An area utilized for the off-street parking of vehicles which is constructed according to the standards of this or other City Ordinances and is built on the surface of the ground.

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

Parking Structure: An area utilized for the off-street parking of vehicles which is constructed according to the standards of this or other City Ordinances and which may be one (1) or more stories in height.

Person: A natural person, firm, partnership, association or corporation and its legal successor.

Planned Commercial or Shopping Center: Two (2) or more commercial establishments which are contiguous and/or developed under one (1) site plan.

Planning Commission: The Planning Commission of the City of Auburn Hills as designated in Act 285 of 1931, Section 2, as amended.

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

Principal Use: A use as specified and listed in this Ordinance under each district as a principal use, and which occupies or uses at least fifty-one (51%) percent of the building or premises.

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

Public Utility: Any persons, 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, telegraph, cable television, transportation or water.

Recreational Vehicle: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

Refuse: Any putrescent or nonputrescent solid waste, except human excreta, but including garbage, rubbish, ashes, street cleaning, dead animals, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction waste.

Repeat Offense shall mean a determination of responsibility for second or any subsequent Zoning Ordinance violation of the same Zoning Ordinance provision committed by the same person within any three (3) year period, unless some other period is specifically provided with regard to a specific Zoning Ordinance provision.

(Added: 8-09-04 per Ordinance No. 740)

Resident: An individual property owner, resident taxpayer, or renter within the corporate limits of the City of Auburn Hills.

Residential District: Any R-1A, R-1B, R-1C, R-1, R-2, R-3, R-4, MHP, RM-1, RM-2, RM-3, or SP Elderly Housing zoning district.

(Amended: 4-04-05 per Ordinance No. 749)

Residential Use: Any building or property, regardless of its incorporation into a zoning district, shall be deemed Residential use if the ground floor is occupied, lived in or slept in by human occupants as permitted in a Residential District.

Responsible or responsibility for a violation shall mean a determination entered by a court or magistrate that a person is in violation of a provision of this Zoning Ordinance prescribed to be a municipal civil infraction.

(Added: 8-09-04 per Ordinance No. 740)

Roadside Stands or Markets: A roadside stand or market is the temporary use of property or facilities for the selling of vegetables, fruits and flowers.

Rubbish: Rubbish means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

Sanitary Landfill: Any operation which involves the piling, placing, storing, or dumping or depositing in a hole or trench, any material in the form of rubbish and/or waste materials.

School Bus: A motor vehicle, other than a station wagon, with a manufacturer's rated seating capacity of eight (8) or more children which is owned by a public, private or governmental agency and which is operated for the transportation of children to or from school. The term also means a motor vehicle, other than a station wagon, that is privately owned and operated for compensation for the transportation of children to or from school.

Screening: To achieve visual concealment or separation between two (2) conflicting uses, or to conceal certain storage or other land uses from public view. Screening may be achieved by any one or a combination of devices: evergreen and deciduous planting, hedge planting, landscaped berms, obscuring fences, walls, or any combination of these. The height of the screen will be determined by the object to be screened, and the circumstances of the area.

Semi-Trailer: A trailer which is designed to carry property and to be drawn by a vehicle and which is so constructed that a substantial part of its weight and load rests upon or is carried by another vehicle.

Senior Citizen Congregate Care Living Facilities: Congregate care living projects are those developments which provide special living environments for senior citizens. These projects are intended to provide a means of living for those senior citizens who, although ambulatory and capable of caring for their own personal needs, either choose or require that all meals be served in a central dining area. Such building shall not contain equipment for surgical care or for the treatment of disease or injury, other than for emergency first-aid care.

Setback: The distance required to comply with front, side or rear yard open space provisions of this Ordinance. In the instance of a lot or parcel containing several different zoning classifications, the setback distance(s) shall be measured from the district boundary; otherwise, the distance shall be measured from the property line, except for the front yard setbacks for those properties abutting public roads which shall be measured from the right-of-way line and the front yard setbacks for those properties abutting private roads which shall be measured from the nearest private road easement boundary line.

Shrubs: Self-supporting, deciduous and/or evergreen woody species, normally branched near the base, bushy, and less than fifteen (15) feet in height as normally grown in Oakland County.

Soil Excavation: The excavation or removal of gravel, clay, sand, peat, soil, or other similar materials.

Special Land Uses Permitted: A use specified in this Ordinance as permissible in a specific use district as a special land use permitted only after special conditions are met.

Stable, Private: A stable for the keeping of horses for the noncommercial use of the residents of the principal use, and this shall not include the keeping of horses for others, or for commercial breeding.

Story: The part of a building 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 (see definition of Basement).

Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven feet four inches (7'4").

Street: A public thoroughfare or private easement which affords the principal means of access to abutting property and which is not a driveway as defined herein.

Structure: Anything constructed, or erected and designed for a location on the ground, whether temporary or permanent. This shall not be meant to include items normally recognized as playground equipment.

Temporary Building or Use: A structure or use permitted to exist during periods of construction of the main building or use, or for special events, which building and/or use is not along, or part of a temporary construction building or activity within the scope of Section 1820, Temporary Construction.

Tents: A portable shelter of canvas, coarse cloth, or similar material but not including those used solely for children's recreational purposes.

Thoroughfare, Major: An arterial street which is intended to serve as a large volume trafficway for both the immediate City area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

Thoroughfare, Secondary: An arterial street which is intended to serve as a trafficway serving primarily the immediate City area and serving to connect with major thoroughfares.

Tourist Home: Any dwelling used or designed in such a manner that certain rooms other than those used by the resident family, and occupied as a dwelling unit, are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Trailer: A vehicle, other than a utility trailer, designed for carrying property and for being drawn by a motor vehicle.

Travel Park (Overnight Camping Facility): A place utilized for the temporary parking of recreation vehicles and for camping purposes where there is no permanent storage of recreational vehicles for year-round occupancy, and where commercial activity is limited to servicing the needs of the temporary occupants of the travel trailer park.

Trees: Self-supporting, woody, deciduous and/or evergreen plants with a well-defined central stem or species which normally grow to a height of fifteen (15) feet or more in Oakland County.

Truck: A motor vehicle in excess of one-ton capacity designed primarily for the transportation of property or special purpose equipment.

Truck-tractor: A truck designed primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle or trailer and of the load so drawn.

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

Use, Accessory: A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

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

Utility Trailer: A vehicle designed to be towed by a motor vehicle in order to carry property including, but not limited to, firewood, refuse, snowmobiles, boats, motorcycles or recreational equipment.

Variance: A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted by the Board of Appeals when certain conditions are met.

Vehicle: Any device in, upon, or by which a person or property may be transported or drawn.

Vehicular Salvage Yards: An area intended for the dismantling and storage of vehicles where salvageable parts, equipment, or liquids are intended for resale, and where there is no intent of abandonment of any parts, equipment, or liquids.

Vehicular Use Area: The total area traversed by any and all types of vehicles, whether such vehicles are moving, at rest, self-propelled or not, less the area defined as parking space, including but not limited to, lot areas of drive-in activities such as filling stations, grocery and dairy stores, banks, restaurants, and the like. Areas used for long or short-term off-street parking, or paved areas serving single-family dwellings, are not included in the definition.

Veterinary Clinic: A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

Vines: Plants which normally require physical support to reach mature form.

Violation shall mean any act which is prohibited or made or declared to be unlawful or an offense under this Zoning Ordinance, including affirmative acts as well as omissions and/or failure to act where the act is required by this Zoning Ordinance, and further including the failure or refusal to abide by the terms or conditions of a specific approval of the Auburn Hills Zoning Board of Appeals, Auburn Hills Planning Commission and/or the Auburn Hills City Council, including, but not limited to, permit or plan approvals (and conditions imposed thereon) granted under this Zoning Ordinance.

(Added: 8-09-04 per Ordinance No. 740)

Walls, Obscuring: An obscuring structure of definite height and location constructed of wood, masonry, concrete or similar material.

Waste (Hazardous): Means waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste does not include material which is sold for recycling or treatment and stored for one (1) year or less, or solid or dissolved material in an irrigation return flow discharge, authorized industrial discharge to a municipal treatment system, or industrial discharge which is a point source subject to permits under Section 402 of the Clean Water Act of 1977, 33 U.S.C. 1342, or is a source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, 42 U.S.C. 2011 to 2282 (taken from Act. 64, P.A. of 1979).

Waste (Industrial Solid): Means any waste substance or a combination thereof resulting from the operation of or from any process of industry, manufacturing, trade or business, or from the development of any agricultural or natural resources.

Wastes (Other): Means nonhazardous garbage, refuse, decayed wood, sawdust, shavings, bark, lime cinders, offal, oil, tar, dye-stuffs, acids, chemicals, and all discarded materials other than sewage or industrial wastes.

Waste (Solid): Means any garbage, refuse, rubbish, special solid waste, other waste, or any combination thereof with insufficient liquid content to be free flowing.

Wetlands: Shall mean poorly drained and very poorly drained soils (as defined in 1. and 2. below), of two (2) or more contiguous acres, including those which are either covered with water or on which the water table is at or near the surface for a considerable part of the year and which, by nature of their surface or subsurface soil characteristics, either contribute to the replenishment of subsurface water supply or are self-contained water resources; and, wetlands shall also mean land with two (2) or more contiguous acres, characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life; wetlands are commonly referred to as bogs, swamps, or marshes.

1. Poorly drained soils are those general organic soils from which water is removed so slowly that the soil remains wet for a large part of the time. The water table is commonly at or near the surface during a considerable part of the year. Poorly drained conditions are due to a high water table, to a slower permeable layer within the soil profile, to seepage, or to some combination of those conditions.
2. Very poorly drained soils are those soils from which water is removed from the soil so slowly that the water table remains at or on the surface a greater part of the time. Soils of this drainage class usually occupy larger or depressed sites and are frequently ponded.

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

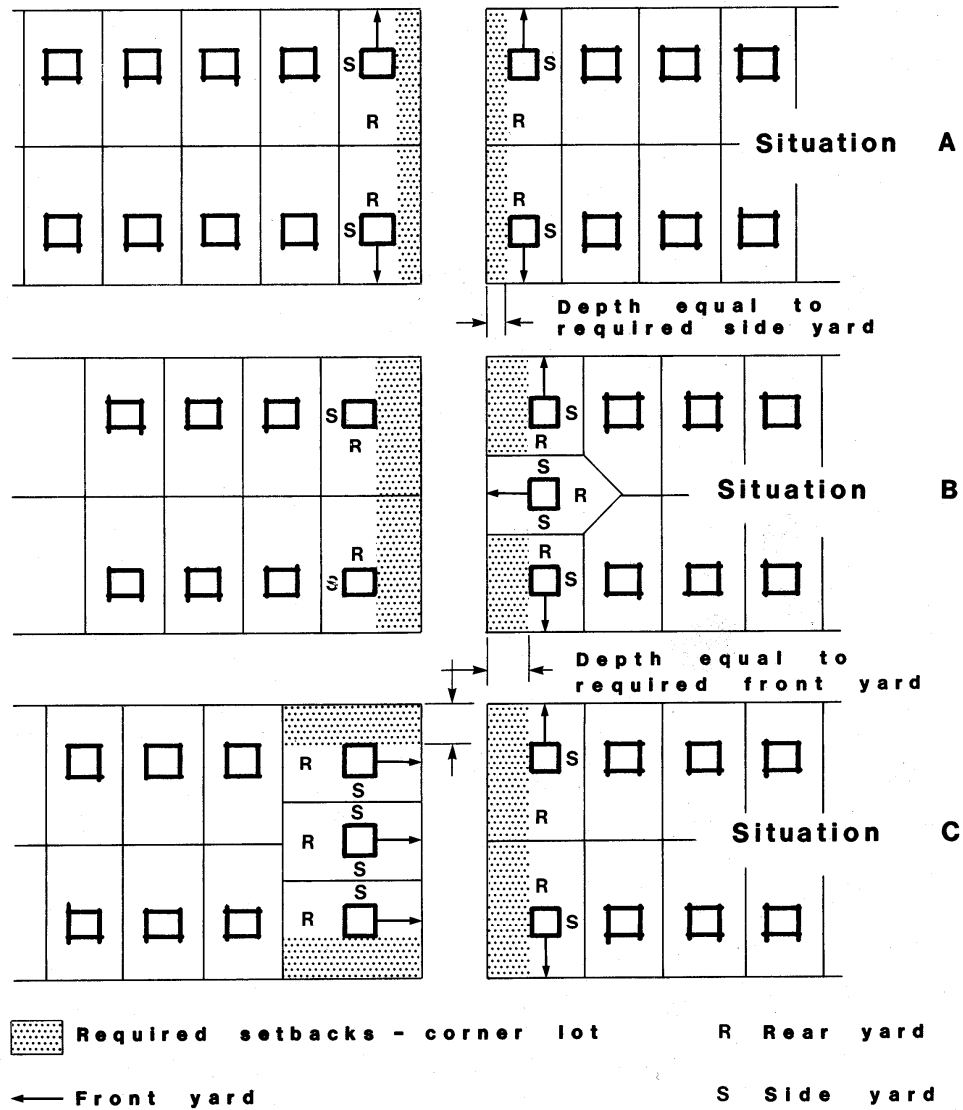
Wireless Communication Facility, Attached: A wireless communication facility that is affixed to an existing structure; for example, an existing building, tower, water tank, utility pole, etc. which does not include an additional wireless communication support structure.

Wireless Communication, Co-location: The location by two or more wireless communications providers, public authority or other duly authorized part of wireless communications facilities or an existing structure, tower, or building in a manner that reduces the overall need for additional or multiple freestanding single use wireless communications facilities within the City of Auburn Hills.

Wireless Communication, Support Structure: A structure newly erected or modified to support wireless communication antennas and connecting appurtenances. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, utility support structures, traffic control structures, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Yards: The open spaces on the same lot with a main building or main use, 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(s), or water line in the case of lots abutting lakes, and the nearest point of the main building.
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, or zoning district line, or water line, whichever is closer to the building, and the nearest point of the main building.
3. **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, or zoning district line, whichever is closer to the building, and the nearest point of the main building



Side Yards Abutting a Street

Zoning Administrator: The Zoning Administrator (or Building Inspector) of the City of Auburn Hills appointed by the City Council

(Amended: 8-09-04 per Ordinance No. 740)
 (Amended: 4-04-05 per Ordinance No. 749)
 (Amended: 4-02-07 per Ordinance No. 799)
 (Amended: 8-17-09 per Ordinance No. 820)
 (Amended: 10-04-10 per Ordinance No. 830)