

**CITY OF ST. JOHNS
ORDINANCE NO. 694**

**AN ORDINANCE TO AMEND TITLE XV: LAND USAGE, CHAPTER 155: ZONING
CODE REGARDING HEIGHT REQUIREMENTS FOR CORNER LOTS**

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Amendment to Title XV: Land Usage, Chapter 155: Zoning Code—Definitions.
The City amends Title XV, Chapter 155, Section 155.004 to read as follows:

“§155.004 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY APARTMENT. A dwelling unit in a permitted single-family residence that is subordinate to the principal one-family dwelling unit in terms of size, location, and appearance, and provides complete housekeeping facilities for one family, including independent cooking, bathroom, and sleeping facilities, with physically separate access from any other dwelling unit. A single-family residence with an accessory dwelling does not constitute a duplex.

ACCESSORY BUILDING. A supplemental and subordinate building or structure on the same lot as the main building but not part of the main building.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

ADULT BUSINESSES. This term includes adult merchandise stores, adult motion picture theaters, adult mini-motion picture theaters, nude body painting or modeling studios, cabarets, adult novelty businesses, escort services, and peep shows, which incorporate in their business name, or otherwise describe their business as "adult," "adult entertainment," "adults only," and those businesses which fit the definitions hereinafter set forth, and which exclude minors from entry. In addition, the adult regulated businesses are more specifically defined as follows:

(1) **ADULT MERCHANDISE STORE.** A commercial establishment having a substantial or significant portion of its stock and trade in books, magazines, periodicals, photographs, videotapes, video cassettes, laser discs, films, or other visual representations which depict, describe, or portray "specified sexual activities" or "specified anatomical areas," as defined herein.

(2) **ADULT MOTION PICTURE THEATER.** A commercial establishment used for presenting film or videotapes recordings, having a dominant theme distinguished or characterized by emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

(3) NUDE BODY PAINTING OR MODELING STUDIO. An establishment which features, or offers, as a portion of its business, the services of body painting or nude photography of the human body through services of its models, masseurs, masseuses, employees who are nude, semi-nude, or topless when performing those services.

(4) ADULT MINI-MOTION PICTURE THEATER. Means of adult entertainment provided within an adult business that is characterized by one of the following:

(a) A coin or token operated machine where someone may view a motion picture film, video film, laser discs, which depicts, described, or portrays "specified sexual activities" or "specified anatomical areas," as defined herein;

(b) A booth, or other such constructed area, where an individual may, for the payment of a fee, view a motion picture, film, videotape recording, or live entertainment which depicts, describes, or portrays "specified sexual activities" or "specified anatomical areas" as defined herein.

(5) CABARET. Means a café, restaurant, or bar, where patrons are entertained by dancers, strippers, male or female impersonators, whether accompanied by music or not, whose conduct is characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" as defined herein.

(6) ADULT NOVELTY BUSINESS. Means a business which has, as a principal activity, the sale of devices which simulate human genitals or devices designed for sexual stimulation.

(7) ADULT PERSONAL SERVICE BUSINESS. Means a business having as its principal activity a person, while nude, or while displaying "specified anatomical areas," as defined herein, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios, conversation parlors, and theatrical performances or entertainment.

(8) SPECIFIED SEXUAL ACTIVITIES. Are defined as:

(a) Human genitalia in a state of sexual stimulation or arousal.

(b) Acts of human masturbation, sexual intercourse, or sodomy.

(c) Fondling, or other erotic touching, of human genitalia, public regional, buttock, or female breast.

(9) SPECIFIED ANATOMICAL AREAS. Are defined as:

(a) Less than completely and opaquely covered:

1. Human genitalia and pubic region;

2. Buttock; and

3. Female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(10) MASSAGE PARLOR. Means an establishment wherein private massage is practiced, used, or made available as the principal use of the premises.

(11) MASSAGE. Means manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating, through the use of physical, mechanical, or other device, of the body of another, for a fee.

(12) PROTECTED USE. Means church, school, and residential.

(13) SCHOOL. Means a public, or private, school offering education to students enrolled in kindergarten, or one or more grades, 1 through 12.

(14) CHURCH. Means a building used for regular public worship services and exempt from taxation under the General Property Tax Act of Michigan.

(15) ESCORT SERVICE. An establishment which provides the services of escorting members of the opposite sex for payment of a fee.

(16) ADULT PEEP SHOW. A means of entertainment provided within an adult business that is characterized by one of the following:

(a) A coin or token operated machine where someone may view a motion picture film which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas," as defined herein.

(b) A booth or other such constructed area where an individual may, for the payment of a fee, view a motion picture film, videotape recording, or live entertainment which depicts, describes or portrays "specified sexual activities" or "specified anatomical areas" as defined herein.

(17) RESIDENTIAL. Means any designated residential zoning district by the City of St. Johns Zoning Chapter, including R-1, R-2, R-3, and R-MH.

ADULT FOSTER CARE LARGE GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least 13 but not more than 20 adults.

ADULT FOSTER CARE MEDIUM GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for at least seven but no more than 12 adults.

ADULT FOSTER CARE SMALL GROUP HOME. A facility licensed under Public Act 218 of 1979 to provide foster care for six or fewer adults.

ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

AUTOMOBILE CIRCULATION AREA. Space provided on a lot for automobile maneuvering, parking or storage.

AUTO REPAIR SHOP. An establishment providing auto repair services such as auto body repair, major engine repair, undercoating, glass replacement and upholstery work.

AUTO SERVICE STATION. An establishment offering retail sale of motor fuels, oil and lubricants and/or minor vehicle repair and service such as replacement of tires, batteries, mufflers, brakes, or starters; oil changes and engine tune-ups.

BASEMENT. A story partly underground or wholly underground. Where more than one-half of its height is above the highest level of the adjoining ground, a basement shall be counted as a story for the purposes of height measurement.

BED AND BREAKFAST. A building other than a hotel where, for compensation and by prearrangement for definite periods, lodgings and breakfast, are provided for three or more persons.

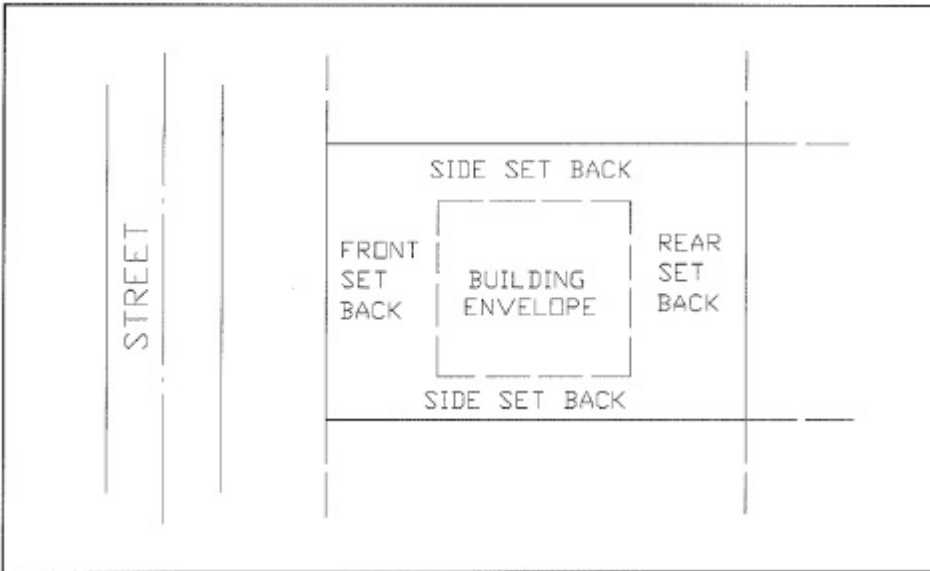
BUFFER PLANTING. Living vegetation designed and maintained to enclose activities, use, light, noise and materials within the specified lot or area.

BUILDING. Any covered structure built for the support, shelter or enclosure of persons, animals or property, and which is permanently affixed to the land.

BUILDING CODE. The Building Code of the City of St. Johns, as amended.

BUILDING ENVELOPE. A volume based on that portion of the lot exclusive of required yards, of maximum permitted height. (See Figure 3-1.)

Figure 3 - 1



BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof. (See Figure 3-2.)

Figure 3 - 2

BUILDING, PRINCIPAL. A building or, where the context so indicates, a group of buildings which exist to serve the primary or chief purpose for which a lot is used.

BUSINESS AND PROFESSIONAL OFFICES. Concerns engaged in service activities of a customarily professional nature (not offering personal services required by the general public frequently for hygienic and grooming purposes), and business concerns of a headquarters of district staff operation activity.

BUSINESS SCHOOL. An educational or training establishment designed and operated for learning specific business office skills.

CAR WASH. An area of land and/or a structure used principally for the cleaning, washing, polishing or waxing of motor vehicles.

CITY COMMISSION. The City of St. Johns Commission.

CLUSTER HOUSING. A method of development in which minimum lot sizes are reduced in return for an equal amount of open space for the development.

CONDOMINIUM. The following definitions shall apply to all condominium developments:

(1) **CONVENTIONAL CONDOMINIUM PROJECT.** A development in which ownership interest is divided under the authority of the Condominium Act (Public Act 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

(2) **SITE CONDOMINIUM PROJECT.** A development in which ownership interest is divided under the authority of the Condominium Act (Public Act 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.

(3) **GENERAL COMMON AREAS.** Portions of the condominium development owned and maintained by the condominium association.

(4) **LIMITED COMMON AREAS.** Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.

(5) CONDOMINIUM SUBDIVISION PLAN. Means drawings and information prepared pursuant to § 66 of the Condominium Act, Public Act 59 of 1978.

(6) MASTER DEED. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in § 8 of the Condominium Act, Public Act 59 of 1978.

(7) CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this act.

(8) CONVERSION CONDOMINIUM. A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under § 71 of the Condominium Act, Public Act 59 of 1978.

(9) EXPANDABLE CONDOMINIUM. A condominium project to which additional land may be added in accordance with the Condominium Act, Public Act 59 of 1978.

COMMUNITY DEVELOPMENT PLAN. The plan for the future development of the St. Johns area, prepared, adopted, and amended pursuant to Act 285 of the Public Acts of 1931, as amended.

COURT, OPEN. A court enclosed on not more than three sides by exterior walls of a building or by exterior walls and lot lines with one side or end open to a street, way, alley, or yard.

COVERAGE. The ratio of gross floor area of the first floor of a building or of a group of buildings on the same lot to the area of the lot, expressed as a percentage.

DAY CARE FACILITIES. Includes the following definitions as defined and regulated by Public Act 116 of 1973, as amended:

(1) FAMILY DAY CARE HOME. A state licensed private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

(2) GROUP DAY CARE HOME. A state licensed private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

(3) CHILD CARE CENTER. A state licensed facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

DENSITY OF POPULATION. A ratio expressed as either the number of persons or the number of families per gross acre or net acre of land.

DISCONTINUANCE. The failure to pursue customary operations.

DRIVE-IN. Partially or wholly oriented and designed to accommodate vehicle-borne customers who generally plan to remain in the vehicle.

DRIVE, PRIVATE. A privately owned pathway to provide access for automobiles into and through a parcel or group of parcels being developed. A drive does not include individual driveways on individual lots used to provide access to a garage or a parking area.

DRIVE-THROUGH. A business establishment that provides customers with the opportunity to pay for and receive goods or services without leaving their car. A drive-through establishment is distinguished from a drive-in establishment by the fact that drive-through operations involve a driveway approach that the customer uses to enter the service area, receive service and departs, while a drive-in involved parking spaces the customer parks in to receive service.

DRIVEWAY. A pathway for motor vehicles that provides direct access to a garage or a parking area from a street or private drive

DUMP. An area, either public or private, utilized for the deposit of collect materials of very low or nonexistent value. Generally regarded as the terminal deposit for unwanted matter, but not including organic garbage.

DWELLING UNIT. A house, building, or mobile home, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered as a dwelling. In case of mixed occupancy where a building occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this chapter and shall comply with the provisions thereof relative to dwelling. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

(1) DWELLING, MULTIPLE. A multiple dwelling is a building used for as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotel, but not including mobile homes.

(2) DWELLING, ONE-FAMILY. A detached building occupied by one family and so designed and arranged as to provide living, cooking and kitchen accommodations for one family or functional family only.

(3) DWELLING, TWO-FAMILY. A detached two-family dwelling is that occupied by two families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

(4) EFFICIENCY UNIT. An efficiency unit is a dwelling unit consisting of one or more rooms exclusive of hallways or closets directly off the principal room.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal or state departments or commissions, of overhead, surface or underground gas, electrical, steam, or water distribution or transmission systems, collection, communication, supply, treatment or disposal systems, including mains, drains, sewers, pipes, conduits, or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare.

FAMILY. An individual; or a group of two or more persons related by lineal descentance, marriage, or adoption; together with not more than two additional persons not so related to such individual or group, living together as a single housekeeping unit in a dwelling unit.

FARM BUILDING. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of a particular type for the pursuit of their agricultural activities.

FENCE. An artificially constructed barrier of wood, masonry, metal or other manufactured material, or combination of materials, erected to enclose, screen or separate areas.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building used or intended to be used for office, merchandising or services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

FLOOR AREA RATIO FAR is a measurement of building density wherein a ratio of 1.0 means that the floor area may equal the lot area or other unit of land area. An FAR of 5.0 means that the floor area may be up to five times as large as the lot area; and an FAR of 0.5 means that the floor area may be no more than one-half of the lot area.

FUNCTIONAL FAMILY. The functional equivalent of domestic family consisting of not more than six persons living together in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future.

This definition shall not include any fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature.

GROSS FLOOR AREA. The total floor area, as measured to the outside surfaces of exterior walls, but not including the following spaces: crawl spaces, unfinished and non-habitable portions of the building, garages and open porches, balconies and terraces.

GROSS SITE AREA. An area proposed for development, including portions of the building, garages and open porches, balconies and terraces.

HOME OCCUPATION. Any occupation or profession carried on only by a member of a family residing on the premises as an accessory use, and meeting the standards set forth in this chapter.

HOSPITAL, GENERAL CARE. An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments training facilities, central service facilities, and staff offices.

HOTEL. A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are more than 15 sleeping rooms.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this chapter.

HOUSEKEEPING UNIT. A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

INCARCERATED. A person currently serving a criminal sentence in a county, state, or federal correctional facility.

INCINERATOR. A mechanical device and/or inclosing structure for the burning of refuse, collected or produced on the site.

INDUSTRY. An extraction, production, processing, testing, cleaning, repair, storage, or distribution of commodities.

INTENSITY OF LAND USE. A ratio relating the total floor area of buildings to a unit of land area.

JUNK YARD. A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. The following are not included in this definition:

- (1) Places where such uses are conducted entirely within a completely enclosed building;
- (2) The sale of used vehicles in operable condition; and
- (3) The sale of salvaged materials incidental to manufacturing operations.

KENNEL. Any premises on which four or more dogs, four months old or older, are kept.

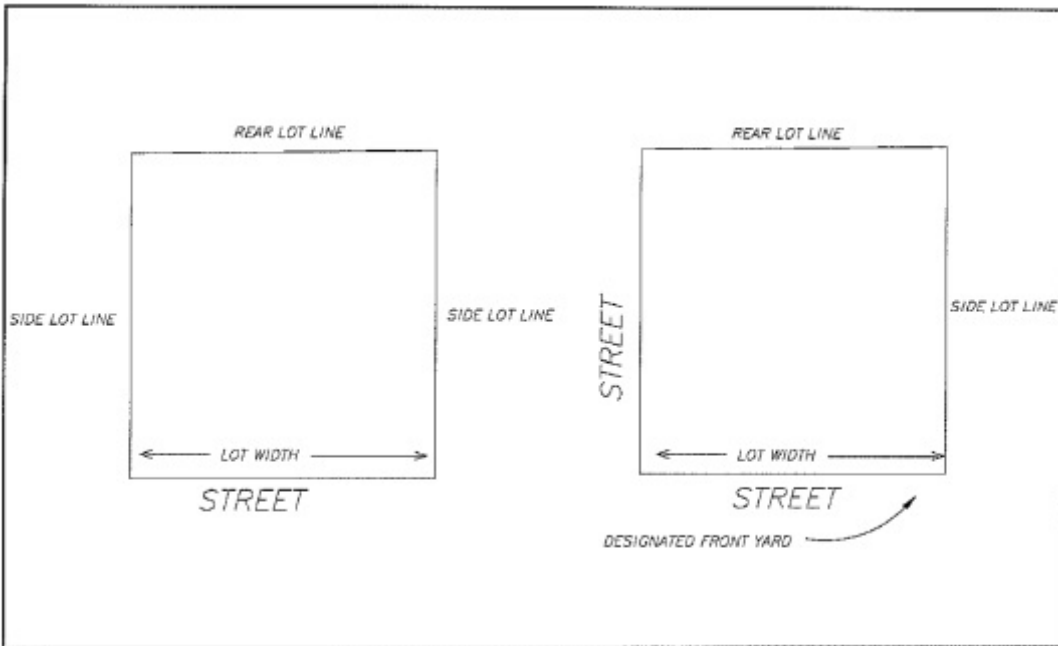
LIGHT SOURCE. Any device or fixture producing artificial light including those parts and surfaces of reflectors, refractors, globes, baffles, shades, and hoods upon which the light falls.

LOADING BERTH. A facility used and/or designed for receiving cargo from or discharging cargo into a vehicle.

LOT. A parcel of land occupied or capable of being occupied by a land use, building, structure, or group of buildings together with such yards, open spaces, lot width, and lot area, as are required by the chapter.

LOT, CORNER. A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points beginning within the lot or at the points of intersection of the side lines with the street lines intersect at an interior angle of less than 135 degrees. (See Figure 3-3.)

Figure 3 - 3



LOT, DEPTH OF. The mean horizontal distance between the rear and front lot lines.

LOT, INTERIOR. Any lot other than a corner lot. (See Figure 3-3.)

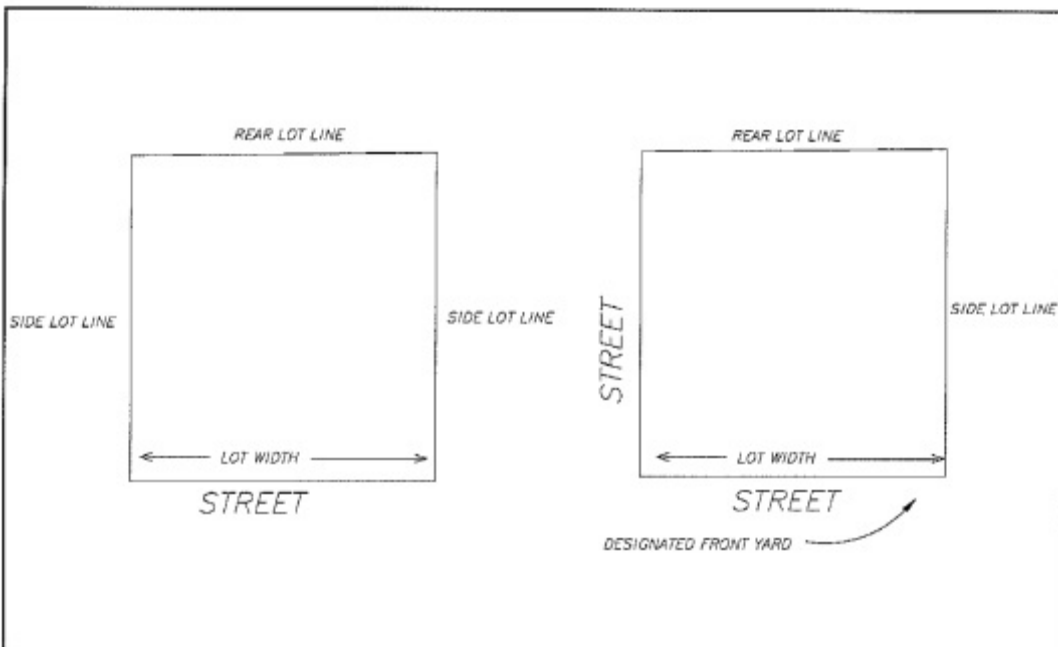
LOT LINES. The lines of demarcation between the properties of different owners or between any privately owned property and any street, alley, park or other public land, or the lines of demarcation between lots as recorded on a subdivision plat.

LOT OF RECORD. A lot which actually exists in a subdivision plat or condominium plan as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT, SIDE OF. That edge of a lot not designated as front or rear.

LOT, WIDTH OF. The distance between side lot lines measured at the intersection of those lot lines and the street right-of-way. In the case of a corner lot, it shall be the distance between the side lot line and the edge of the street right-of-way. In the case of a cul-de-sac or curvilinear street, the setback shall be measured at the required front setback line. (See Figure 3-4.)

Figure 3 - 4



MAIN RESIDENTIAL BUILDING. One or more individual dwelling structures, each having all of its parts connected in a substantial manner by common walls and completely enclosed rooms or garages, and each dwelling structure containing one or more dwelling units.

MEDICAL AND DENTAL CLINIC. A facility organized and operated for the primary purpose of providing health service in medical or dental specialty for out-patient medical or dental care of the sick or injured, and including related facilities

such as laboratories and other service facilities operated in connection with the clinics.

MIXED USE. The intermingling of land uses or activities within a single zoning lot, such as residential and commercial.

MOBILE HOME. A structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to required utilities and includes the plumbing, heating, air-condition 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 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. For the purpose of this chapter, is a specifically designated parcel of land designed and developed to accommodate two or more mobile home sites for residential use.

MOTEL. A business comprised of a series of attached, semidetached, or detached rental units for the overnight accommodation of transient guests, each unit containing bedroom, bathroom, and closet space, with each unit having its own entrance from the parking area.

NET DEVELOPMENT AREA. The total area within the property lines of a project less the acreage of private streets, drives and internal streets, sites for churches and stores but including land reserved for schools and parks.

NONCONFORMING. A building, structure, or use lawfully established which does not conform to the current regulations of the district or zone in which it is situated.

NONCONFORMING USE, LEGAL. A building, structure, or use lawfully existing at the time of enactment of this Code or amendment thereto which does not conform to the regulations of the district or zone in which it is situated.

NURSING HOME. A facility which:

- (1) Provides nursing services on a continuing bases;
- (2) Admits the majority of the occupants upon advice of physicians as ill or infirm persons requiring nursing services;
- (3) Provides for physicians' or supervision; and
- (4) Maintains medical records.

OCCUPANCY OF LAND. The ownership and exercise on a permanent or temporary basis of that right of property which includes the use of land.

PARCEL. An area of land defined by property lines; a parcel need not be in single ownership.

PARK. Any lot, site, field or tract of land used for active or passive recreation purposes, primarily out-of-doors.

PARKING AREA. The temporary storage of registered motor vehicles of rated capacity not exceeding one and one-half tons.

PHYSICAL DEVELOPMENT. The arranging of land for human use, including the subdivision of land, the provision of facilities for communication and transportation, and the placement and erection of structures.

PLANNING COMMISSION. The St. Johns City Planning Commission.

PLAYFIELD. Any area of open space utilized for active recreation and designed to accommodate over 15 persons at one time.

PLAZA. An open area accessible to the public, which is either:

(1) An open area along the front lot line not less than five feet deep, measured perpendicular to the front lot line; or

(2) An open area on a through lot, extending from street (front lot line) to street (rear lot line) and not less than 15 feet wide, and which is at no point more than five feet above the curb level of the nearest adjoining street and is unobstructed from its lowest level to the sky, except for approved covered pedestrian walks.

PRIME RETAIL FRONTAGE. The first floor space on property within the Central Business District that abuts Clinton Avenue (State Street – Railroad Street), Walker Street (Brush Street – Spring Street), Higham Street (Brush Street – Spring Street) and Railroad Street (Brush Street – Spring Street), where the prime use of land is retail in nature.

PRIVATE SCHOOL. An educational institution not supported in any direct manner by general taxation, assessment, or other forms of public revenue.

PROPERTY. Real estate.

PUBLIC HOUSING. Dwelling units owned and/or operated by a public agency.

PUBLIC SCHOOL. An educational institution partially or wholly supported by general taxation, assessment, or other forms of public revenue.

RELIGIOUS INSTITUTION. Churches or other places of worship, including related plant, administrative and living facilities, such as: parsonage, vicarage, rectory, staff living quarters, Sunday school and day school buildings or other religious education buildings, include pre-school, parish house or place of public assemblage, operated and maintained in each case as an adjunct of an adjacent or nearby church, but not including schools providing education pursuant to state laws

concerning compulsory education, seminaries, colleges, or facilities for the education or training of religious personnel.

RESIDENCE. A place used for human habitation other than on a transient basis.

SANITARY LANDFILL. A method of refuse disposal utilizing alternate layers of soil, sand, or other inert matter with the dumped and leveled refuse.

SCHOOL, ELEMENTARY. A public or private institution providing education below the ninth grade pursuant to the laws concerning compulsory education of the State of Michigan.

SCHOOL, HIGH. A public or private institution providing education above the eighth grade pursuant to the laws concerning compulsory education of the State of Michigan.

SCHOOL, PRIMARY. A public or private institution providing education below the fourth grade pursuant to the laws concerning compulsory education of the state of Michigan.

SETBACK LINE. Distance from the lot lines to an existing principle structure.

SETBACK LINE, REQUIRED. The line delineating the minimum required depth of the front yard.

SIDEWALK CAFÉ. Any outdoor dining area located on any public sidewalk or right-of-way that is associated with a restaurant or other eating and drinking establishment contiguous to the café area.

SIGN. A presentation or representation by letters, figures, designs, devices, pictures, emblems, insignia, numbers, lines, colors displayed so as to be visible to the public for the purpose of making anything known or attracting attention.

STANDARD DWELLING STRUCTURE. Any building, or portion of building, for which a certificate of occupancy for dwelling purposes has been issued and which conforms to all applicable health and building laws and this chapter.

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

STREET, INTERNAL. A pathway that provides access by automobiles to individual lots that connects those lots with an existing public street.

STREET LINE. The dividing line between the street and a lot.

STREET, PRIVATE. A pathway not owned, controlled or maintained by a city, township, county, state or federal governmental agency that provides access by automobiles to individual lots.

STRUCTURAL ALTERATION. Any change in the supporting members of a building such as bearing walls, columns, girders or beams.

STRUCTURE. Anything constructed or erected, which requires a location on the ground or attached to something having a location on the ground (for example, decks, gazebos, playsets, at-grade patios).

TRADE. Actions or business involving the exchange of commodities by barter or trade, including necessary activities attendant thereto, but not including the production, processing or consumption of commodities.

TRADE SCHOOL. An educational or training establishment designed and operated for learning specific non-office skills or vocations, generally of a manual nature.

TRAFFIC. Vehicles in motion, unless otherwise modified (e.g., pedestrian traffic).

TOWNHOUSE. A building containing two or more dwelling units, with individual rear yards and/or front yards designed as an integral part of each one family dwelling unit.

USABLE OPEN SPACE. Yard space exclusive of the required front and side yards on a residential lot reserved for and devoted to the admittance of light and air and semi-private outdoor activities, and effectively separated from automobile circulation and parking.

USE. If not otherwise modified, the activity by humans, or consequent to human initiation or taking place; the remaining manifestations of such past activity.

VARIANCE. An authorization permitting change in the requirements of this chapter by the Zoning Board of Appeals in cases where the general requirements of this chapter and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant.

YARD. A space on the same lot with a building, unoccupied and unobstructed from the ground upward, except for certain specified building projections.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than certain specified building projections. In the case of a developed corner lot, the front yard will be the lot line abutting the street that the lot is addressed on. In the case of an undeveloped lot that has not been assigned an address, the front yard shall be the narrowest street frontage, as measured along the right-of-way line from side lot line to side lot line. All other road frontages shall be considered "secondary street frontages."

YARD, REAR. A yard extending across the back of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear line of the main building or any projection thereof, other than certain building projections.

YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the front yard or street line if there is no front yard required, to the rear yard, or the rear lot line if there is no rear yard required, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereof, other than certain building projections.

ZONING ADMINISTRATOR. That person or persons duly charged by the appropriate appointing authority with the responsibility for executing and administering this chapter.

ZONING LOT. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot may be subsequently subdivided into two or more zoning lots. A zoning lot, therefore, may or may not coincide with a lot as shown on any recorded subdivision plat or deed.”

Section 2. Repealer Clause.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order, or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities, or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued, or grown out of any Ordinance, Resolution, Order, or policy, or any part thereof, hereby repealed.

Section 4. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective twenty (20) days from and after its adoption by the City of St. Johns City Commission and after its publication.

YEAS: Hufnagel, Gurski, Dzurka, Hyzer

NAYS: None

ABSTAIN: None

ABSENT: DeLiso

CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance introduced by the St. Johns City Commission at a regular meeting held on February 24, 2025.

Scott Dzurka, Mayor _____

Mindy J. Seavey, Clerk _____