
IOSCO TOWNSHIP ZONING

ARTICLE 2

DEFINITIONS

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ARTICLE 2

DEFINITIONS

Section 2.1 Purpose

For the purpose of this Ordinance, certain words and terms are herewith defined. Such definitions are subject to the rules set forth in Section 1.4, Rules Applying to the Text.

Section 2.2 Definitions

Accessory Building. A supplementary building or structure on the same lot, unit or parcel of land as the main building or buildings, or part of the main building occupied by or devoted exclusively to any accessory use. The use of which shall not include any use for dwelling, residential or lodging purposes, or sleeping quarters for human beings, unless so specified..

Adult Care Organizations: A facility for the care of persons over 18 years of age, as licensed and regulated by the State under Act. No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:

- A. Adult foster care facility: A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
- B. Adult foster care small group home: A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
- C. Adult foster care large group home: A facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks, for compensation.

D. Adult foster care family home: A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Agriculture. The use of land for tilling of the soil, the raising of tree and field crops, or animal husbandry as a source of income.

Altered. Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the roof or exterior walls, or any change in the type of occupancy. Also includes the words “reconstructed” and “alteration”.

Animal unit(s). A unit of measure used to compare differences in the production of animal waste produced on a regular basis by a slaughter steer or heifer, with the following equivalencies applicable to other livestock:

- Slaughter steer or heifer (all cattle): 1 animal unit
- Horses: 2 animal units
- Mature dairy cow: 1.4 animal units
- Swine: 0.4 animal units
- Sheep and goats: 0.10 animal units
- All fowl: 0.05 animal units
- All other animal classes, types or sizes (eg. Nursery pigs) not listed are to be calculated as one thousand pounds live weight equals one animal unit.

Antique. Furniture, jewelry, silverware and other items that are at least 100 years old.

Antique Shop. A business establishment primarily devoted to the sale of furniture, silverware, jewelry, and other items that are generally at least 100 years old.

Architectural Features. Architectural features of a building shall include but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

As Built Drawing. Final drawings or plans that are the result of modifications in the field.

Automobile Repair Station. A business which provides or offers for sale to the motoring public the items and materials and services normally obtainable in an automobile service station. In addition, the repair station provides vehicle rescue service and emergency road service, and may conduct major mechanical, electrical, cooling, exhaust, and power system and similar repairs. Minor body repairs may be made but operations such as bumping, welding, reshaping, resurfacing, sanding, and paint spraying to restore wrecked vehicles to serviceable conditions are prohibited.

Automobile Service Station. Building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. Uses permitted at an automobile service station include such minor repairs as brake and front-end work, tune-ups, shock absorbers, valve jobs, fuel pumps, and carburetors. Excluded are major repairs such as removal and overhaul of drive train components, engines, transmissions, and differentials or other major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair garage or body shop.

Automobile Washes. A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

Basement. That portion of a building that is wholly or partly below grade is a basement when the vertical distance from finished grade to floor is greater than the vertical distance from finished grade to ceiling. A basement shall not be included as a story for height measurement, except as provided in the definition of “story.”

Bedroom. A bedroom is a dwelling room used for or intended to be used in whole or in part for sleeping purposes, by human beings.

Billboard. See Sign, Billboard

Board of Appeals. As used in this Ordinance, the term Board of Appeals means the Township of Iosco, Michigan, Zoning Board of Appeals.

Building. Temporary or permanent structure, or any part thereof, having a roof supported by columns or walls. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Buildable Area. The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building Code. The currently designated code or codes regulating building construction in the Township of Iosco.

Building Frontage. The portion of a building that principally faces a public right-of-way.

Building line: A line formed by the face of the building, and for the Purposes of this Ordinance, a minimum building line is the same as the required setback line.

- **FRONTAGE:** The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the public or private road right-of-way

or waterfront. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

- **FRONTAGE, THROUGH AND CORNER LOTS:** All sides of a lot that abut a public or private road shall be considered frontage. If a lot has frontage on more than one road, frontage on one road only may be used to satisfy the minimum lot frontage.
- **FRONTAGE, WATERFRONT.** In the case of a waterfront lot, the horizontal distance is measured at the point where the side lot lines intersect the ordinary high water mark.

Building Height. The building height is the vertical distance measured from the established grade reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height may be measured from the average ground level of the grade at the building wall.

Building Setback Line. The line established by the minimum required setbacks forming the area within a lot in which a building may be located, unless otherwise provided for by this Ordinance.

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

Building Official. The administrative official designated by the Township Board to enforce the Building Code and/or portions of this Ordinance.

Building Permits. A building permit is the written authority issued by the Building Official permitting the construction, removal, moving, alteration, or use of a building, fence, or sign in conformity with the provisions of this Ordinance.

Campground. The uses and activities which take place on a lot or parcel of land for temporary short term recreation, resort or vacation purpose in accordance with the provisions of Public Act 368 of 1978, Part 125, Sections 12501-12516 and the Administrative Rules promulgated under P.A. 368 as administered by the County, District or State Public Health Department.

Child care organization: A facility for the care of minor children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such care organizations shall be further defined as follows:

- A. Child care center or day care center: A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care

for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day The facility is generally described as a child care center, day care center, day nursery nursery school, parent cooperative preschool, play group, or drop-in center. “Child care center” or “day care center” does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

B. Family day care home: A private home in which 1 but less than 7 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

C. Group day care home: A private home in which more than 6 but not more than 12 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

D. Child caring institution: A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally challenged or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster car facility in which a child has been placed.

E. Foster family home: A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

F. Foster family group home: A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

Clinic. An establishment where patients are examined and treated by physicians, dentists, veterinarians or members of similar professions. A clinic shall not include overnight boarding facilities.

Club. Buildings or facilities owned and operated by a corporation, association or persons for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as a business.

Collectables. Any class of items that can be collected for a hobby or for sale that are usually old, but not an antique.

Commercial Use. Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or services.

Commission. The words “Commission” or “Planning Commission” shall mean the Iosco Township Planning Commission.

Condominium. A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Michigan Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

For the purposes of these zoning regulations, condominium terms shall be defined as follows:

A. Common elements: Portions of the condominium project other than the condominium units.

B. Condominium act: Shall mean Michigan Public Act 59 of 1978, as amended.

C. Condominium lot: That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this Ordinance. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road

D. Condominium subdivision plan: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended. For condominium developments, the building envelope shall be illustrated on a site plan.

E. Condominium unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

F. Contractible condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.

G. Conversion condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

H. Convertible area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.

I. Expandable condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.

J. General common elements: Common elements other than the limited common elements, intended for the common use of all co-owners.

K. Limited common elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

L. 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 the condominium subdivision plan.

M. Site condominium project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

Convalescent or Nursing Home. A facility with sleeping rooms, designed for older persons who need a wide range of health and support services, including personal nursing care and where such people are lodged and furnished with meals and nursing care for hire. Services provided are authorized and licensed by state and/or county authorities.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with it and having a gross floor area of less than 5,000 square feet.

Development. The construction of a new building on a zoning lot that is appropriately zoned, the relocation of an existing building on another zoning lot an appropriately zoned lot, or the utilization of open land that is appropriately zoned for a new use.

District. A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Drive-In or Drive-Through Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in said vehicle (e.g. restaurants, cleaners, banks, theaters).

Dwelling unit. Any house, apartment, condominium unit, building or any portion thereof which is occupied or intended to be occupied as a home, residence, or sleeping place of or by a family or unrelated persons either permanently or transiently.

Dwelling, Manufactured Home. A factory built, single-family structure that is manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which are not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Dwelling, Multiple. A dwelling, as defined herein, except which is designed as a residence for three (3) or more families living independently of each other.

Dwelling, Senior Citizen. A dwelling designed for and limited to occupancy by persons aged 60 years old and older or other age limits as used by the Michigan State Housing Development Authority.

Dwelling, Single-Family. A detached building designed for and occupied exclusively by one (1) family, with a minimum of 1000 square feet of living space.

Dwelling, Two-Family. A detached building designed for and occupied exclusively by two families living independently of each other. Also known as a duplex dwelling.

Efficiency Unit. An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

Erected. The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential Services. The phrase “essential services” means the erection, operation, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. An essential service shall not include cellular telephone facilities or cellular telephone transmitting towers.

Excavating. Excavating shall be the removal of sand, stone, gravel, or fill dirt to below-the-average grade of the surrounding land and/or the finished grade, whichever shall be highest, excepting common household gardening.

Extraction. Sand and Gravel Pits: See definition for a Quarry.

Family.

- A. An individual or a 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 two (2) additional unrelated people, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character, who are cooking and living as a single nonprofit housekeeping unit, and whose relationship is the functional equivalent of a domestic family with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive 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 terms or other similar determinable period.

Farm. A parcel or combination of parcels of land either owned or rented and operated as a single unit on which bonafide raising of crops, livestock, or poultry is carried on directly by the owner-operator, manager or tenant-farmer. Land to be considered as a farm shall include a contiguous unplatted parcel of not less than ten (10) acres in area.

Farm Supply, Wholesale /Retail. A building, structure or area where farm equipment and farm supplies are kept for sale.

Flood Plain. The relatively flat area or low lands adjoining the channel or watercourse or a body of water, which may be covered by floodwater when high amounts of precipitation are experienced. Determinants of flood plain are as follows:

- A. Contiguous areas paralleling major rivers or streams that constitute at their maximum edge the highest flood levels experienced in a period of one hundred (100) years.
- B. Principal wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling major rivers or streams that exhibit unstable soil conditions for development.

Floodway. The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

Floor area, gross: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor Area, usable residential: The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

Floor Area, usable nonresidential: The sum of the horizontal areas of each floor, measured from the interior face of exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area.

Floor, Ground. That portion of a building that is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

Generally Accepted Agricultural and Management Practices (GAAMPS). Those practices as defined by the Michigan Commission of Agriculture. The Commission shall

give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University Experiment Station in cooperation with the United States Department of Agricultural Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

Garage, Private. An accessory structure for the principal permitted use, used for the storage of motor vehicles for the use of the occupants of the principal permitted use on the lot on which such use is located

Gasoline Station. See Automobile Service Station, herein.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

Golf Course. A golf course shall mean the premises upon which the game of golf is played, including club house, parking lots, pro shop, and other structures and uses customarily incidental to a golf course provided however that a golf course shall include a minimum of eighteen (18) holes and shall not be less than six thousand (6000) yards in length, and provided further that a golf course shall not include a driving range or miniature golf course operated independently or in conjunction with a golf course.

Ground Floor Coverage (GFC). The total ground floor area of the principal and all accessory buildings, divided by the total lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.

Hazardous Substances. Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labors; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources, and hazardous substances as defined in Michigan Public Act 307 of 1982, as amended, and the Federal Comprehensive Environmental Response Compensation and Utility Act of 1980, Public Act 96-510, 94 STAT 2767, as amended.

Home Occupation. An occupation, profession, activity, or use by a resident that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood, with the exception of agricultural enterprises.

Horse Stable, Commercial. See Stable, Commercial

Horse Stable, Private. See Stable, Private

Hospital, general: An institution providing human health services, licensed by Michigan Department of Health, primarily for inpatient and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff services. A general hospital includes 24 hour emergency care services, and in-patient/outpatient diagnostic and therapeutic services, and medical clinics. A general hospital may include a specialty hospital or hospitals.

Intensive Livestock Operation. An agricultural operation in which 500 or more animals are bred and/or raised within a confined area at concentrated densities. Such operations are further characterized as having an animal feeding building or feedlot that is a facility, other than a pasture, where animals are fed and/or confined. Also such operations that do not have necessary land or contract of land to properly dispose of the abnormal amount of manure, using GAAMPS, shall also be termed Intensive Livestock Operations.

Junkyard: A lot and any accessory buildings where waste, used or secondhand materials including, but not limited to, scrap iron, and other metals, paper, rags, rubber tires, wood, and bottles, are stored, baled, packed, disassembled, or handled for the purpose of purchase, sale, or exchange.

Kennel, Commercial. A commercial kennel shall mean any building, structure, enclosure or premises where dogs or cats are kept for commercial purposes, including boarding, breeding, or sale, or the rendering of services for profit.

Kennel, Private. A private kennel shall mean any building, structure, enclosure or other premises where dogs or cats are kept, for the sole enjoyment of the owners of the property.

Landscaping. The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

A. Berm: A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Ordinance.

B. Grass: Any of a family of plants with narrow leaves normally grown as permanent lawns in Livingston County, Michigan.

C. Greenbelt: A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.

D. Ground cover: Low-growing, spreading plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

E. Hedge: A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.

F. Hydro-Seeding: A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.

G. Interior or parking lot landscaping: A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.

H. Mulch: A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

I. Nurse grass: Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

J. Planting: A young tree, vine or shrub that would be placed on or in the ground.

K. Screen or screening: A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

L. Shrub: A self-supporting, deciduous or evergreen woody plant, normally branched near the base that is planted for aesthetic purposes such as colorful flowers, interesting bark or fall foliage.

- i. Small shrubs grow to a height of approximately twenty-four (24) Inches at maturity.
- ii. Medium to Large shrubs typically grow between three feet and ten feet at maturity.
- iii. Large shrubs typically grow between fifteen (15) feet to forty (40) feet in height at maturity.

M. Sod: An area of grass-covered surface soil held together by matted roots.

N. Tree: A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Livingston County, Michigan.

- i. Canopy Tree: Large trees growing over forty (40) feet in height at maturity, usually deciduous, that is planted to provide canopy cover/shade.
- ii. Deciduous Tree: A variety of tree that has foliage that is shed at the end of the growing season.
- iii. Evergreen Tree: A variety of tree that has foliage that persists and remains green throughout the year and typically reach over twenty-five (25) feet at maturity.
- iv. Ornamental tree: A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five(25) feet or less.

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/or unloading merchandise or materials.

Lot. A lot is a place or parcel of land occupied or intended to be occupied by a building, structure or use, or by other activity permitted thereon and including the yards and open spaces required under this Ordinance. A lot must be shown on a subdivision plat recorded in the office of the register of deeds.

Lot Area. The area within the described lot lines excluding road rights-of-way, for lots of less than 10 acres, and including the road right-of-way, for lots of 10 or more acres.

Lot, Corner. A corner lot of which at least two adjacent sides abut upon a street.

Lot Depth. The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

Lot, Double Frontage. A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

Lot, Interior. An interior lot is a lot other than a corner lot with only one lot line fronting on a street.

Lot, Waterfront. A lot having frontage directly upon a lake, river, or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

Lot, Width. The required horizontal distance between the side lot lines, measured at the two (2) points where the required front yard setback line intersects the side lot lines.

Lot Width Measurements.

- A. The minimum required width of any lot shall consist of the horizontal straight -line distance between the side lot lines, measured along the front building line.
- B. The straight-line distance between the side lot lines at their foremost points, where they intersect the street line, shall not be less than eighty (80) percent of the required lot width, except in the

case of lots fronting onto the turning circle of cul-de-sac streets, in which case the minimum distance shall be twenty (20) feet.

Lot lines. Any line dividing one lot from another or from a right-of-way, and thus constitutes the property lines bounding a lot.

Lot Line, Front. In the case of an interior lot, abutting upon one public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit (see Double Frontage Lot, and Waterfront Lot). In the case of a corner lot having frontage on more than one street, the corner lot shall be considered as having a front yard for each street front.

Lot Line, Rear. Ordinarily, that lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Planning Commission shall designate the rear lot line. (See "Double Frontage Lot" and "Waterfront Lot")

Lot Line, Side. Any lot line, not a front lot line, or a 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 an interior side lot line.

Lot Line, Street or Alley. A lot line separating the lot from the right-of-way of a street or an alley, respectively.

Lot of Record. A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Livingston County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

Manufactured Home Sales. Business establishments engaged in the display and sale of factory built, single-family structures that are manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act of 1974. For the purposes of this definition, mobile homes are considered a type of manufactured housing. Recreational vehicles, travel trailers and motor homes are not considered manufactured homes for the purposes of this ordinance and definition.

Manufactured Housing: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a model to be combined with other elements to form a complete building on the site.

Mobile Home Pad: That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

Mobile Home: a factory built home that is 1) built before June 15, 1976, and 2) not built to a uniform construction code.

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 continuous non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with a building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Mobile Home Stand. That part of a mobile home site designed and constructed for the placement of a mobile home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

Mobile Home Subdivision. A legally platted residential subdivision accommodating mobile homes.

Non-Conforming Building. A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Non-Conforming Lot. A lot, lawfully created prior to the effective date of this ordinance, or amendments thereto, and which does not conform to the lot area regulations for the district in which it is located.

Non-Conforming Structure. A structure or part thereof lawfully constructed and existing at the effective date of this ordinance, or amendments thereto, that does not conform to the Area, and/or Placement and/or Height Regulations, and/or off-street parking and/or loading requirements of the district in which it is located.

Non-Conforming Use. A structure, building, lot, or other parcel of land lawfully occupied by a use at the effective date of this ordinance, or amendments thereto, and which does not conform to the Use Regulations of the district in which it is located.

Nursery (Plant Materials). A lot and/or structure or combination thereof for the growing, storage, wholesale sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside or temporary sales facility for Christmas trees.

Occupied. The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited; not necessarily for dwelling purposes.

Off-Street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted ingress and egress plus on-site parking space for at least two (2) vehicles.

Off-Street Parking Area. A land surface providing vehicular parking spaces, along with adequate drives and aisles for maneuvering and access, for the parking of three (3) or more automobiles, trucks or other vehicles.

Open Storage. All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, construction vehicles and other supplies.

Outdoor Sales. The retail sales of goods that are principally displayed outside, such as automobiles, building material, and nursery and garden products.

Parcel: A continuous area or acreage of land that is not included in a subdivision as regulated by the Michigan Land Division Act, being MC 560.101 et seq., nor included in a condominium as regulated by the Michigan Condominium Act, being MCL 559.101 et seq.

Parking Space. An area of definite length and width for the parking of one (1) vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Permitted Use. Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Person shall include any individual, corporation, or partnership.

Porch, Enclosed. A covered entrance to a building or structure that is totally enclosed, and projects out from the main wall of said building or structure. and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open. A covered entrance to a building or structure that is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building

or structure. and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Portable Sign. Any sign not permanently attached to the ground or some type of permanent structure; a sign to be transported by wheels; a sign connected to or located on A- or T- frames; a two-sided sign attached to boards and commonly called a “sandwich board sign,” and a sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.

Premise. All portions of contiguous land in the same ownership which are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

Principal Use. The primary or most predominant use of a parcel.

Private Medical Practice. A business for the purpose of providing direct patient care to the local community and not to sell medical devices as a primary purpose. The property shall be maintained in a neat manner, with a professional and modest appearance. The building shall not exceed 3200 sq. ft. and will be owned and operated by no more than two medical doctors. Non-illuminated, freestanding signage shall comply with the area requirements of home occupation signage. Occupational Safety and Health Administration (OSHA) guidelines for waste disposal shall be strictly adhered to. Impact on the character of local surroundings and traffic patterns will be considered before granting a special use permit.

Public Lodging House. A commercial establishment or place in which live (5) or more members of the public, whether travelers or not, are charged for or pay for sleeping quarters in the form of cots or beds in the same dwelling.

Public Utility. Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, and under Federal, State or municipal regulations, to the public; electricity, gas, steam, communications, telegraph, transportation, or water. A public utility shall not, however, include cellular telephone operations, or other forms of wireless communication systems.

Quarry. The term quarry shall mean any, excavation, extraction or mining operation for the purpose of removal of excavated material such as earth, topsoil, sand, aggregate, clay or stone, for sale, transportation, exchange or barter, away from the premises. Removal in excess of 500 cubic yards in any calendar year shall be deemed a quarry operation. Away from the premises shall be defined as any one of the following: a different lot of legal record, across a public road right-of-way or more than 1000 feet from the site of excavation. Excavation by public authorities within a public right-of-way shall not be deemed an extraction operation.

Recreational Vehicle. A recreational vehicle is defined as a vehicle primarily designed and used for recreational, camping or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by a motor vehicle.

- A. Travel Trailer: A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
- B. Camper Trailer (pop up): A collapsible structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
- C. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. Pickup Camper. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
- E. Water Craft: Any unit that is used for water travel.
- F. Off-street Vehicle: A motorized vehicle typically designed for use off of public streets. Off-street vehicles include snowmobiles, dune buggies, and two, three and four-wheeled all-terrain vehicles.

Recycling Bins. Containers positioned for public drop off of recyclable materials including but not limited to newspaper, cans, plastics, etc.

Retaining Wall. A wall designed and constructed to hold back a mass of earth.

Right-of-way: A strip of land occupied or intended to be legally occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Road: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, lane, court, or any similar designation. As used in this Ordinance, the definition of road does not include driveways that are intended to provide access for up to two parcels or up to two dwelling units.

Road, Parcel: Any road that is to be privately maintained and has not been accepted for maintenance by the Livingston County Road Commission or the State of Michigan, but which meets the requirements

of this Ordinance or has been approved as a private road by the Township under any prior ordinance.

Road, Public: Any road or portion of a road that has been dedicated to and accepted for maintenance by the Livingston County Road Commission or the State of Michigan.

Roof, Mansard. A roof with two slopes on each of four sides, the lower steeper than the upper.

Sanitary Sewer. An artificial conduit to convey water and waste matter to a central treatment facility.

Self-Storage Facility. A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Such facilities are typically contained within a fenced, controlled access compound.

Septic System. A system constructed below grade consisting of a tank and perforated drain tiles designed to treat sanitary sewage.

Setback. The minimum required horizontal distance between the building or structure and the front side and rear lot lines.

Sign. A name, identification, description, display, light, balloon, banner, flag or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property. Additional definitions of specific types of signs can be found in Article 10, Signs.

Site Condominium. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- A. Condominium Act, Act 59, Public Acts of 1978, as amended.
- B. Condominium Documents - The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.

- C. Condominium Lot. The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- D. Condominium Unit. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. General Common Elements. The common elements other than the limited common elements.
- F. Limited Common Elements. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. 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 the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

Solid Waste Transfer Facility. A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the re-handling or temporary storage of solid waste or recyclable goods incidental to the transportation of solid waste.

Solid Waste Processing Facility. A tract of land, building, unit, or appurtenance of a building or unit or a combination of land, building and unit that is used or intended for use for the processing of solid waste or the recovery of recyclable or compostable materials. The facility shall not include incinerators, waste to energy plants, junkyards or salvage operations.

Special Land Use. See Use, Special Land

Specially Designated Distributor's Establishment (SDD). A specially designated distributor's establishment is a retail establishment, consisting of less than fifteen thousand (5,000) gross square feet of usable retail space, or any retail establishment where more than ten (10) percent of the usable retail space is utilized for the distribution or alcoholic liquor, licensed by the Michigan State Liquor Control Commission to distribute alcoholic liquor, other than wine under twenty (20) percent alcohol by volume, and beer, in the original package for consumption off the premises.

Specially Designated Merchant's Establishment (SDM). A specially designed merchant's establishment is a retail establishment consisting of less than fifteen thousand (5,000)

gross square feet of usable retail space, or any retail establishment where more than ten (10) percent of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the Michigan State Liquor Control Commission to sell beer and/or wine for consumption off the premises.

Stable, Commercial. A structure that is used for the shelter and care of a stable with horses, llamas, mules or donkeys which are rented, hired, or used on a commercial basis for compensation, also to include the renting of stable space, for the above mentioned animals not owned by the owner/proprietor (s) of a commercial stable.

Stable, Private. A structure that is used for the shelter and care of a stable with horses, llamas, mules or donkeys which are kept or boarded for the sole enjoyment of the owners, and does not include the renting or hiring of the above mentioned animals on a commercial basis or the renting of stable space.

Storm Sewer. An artificial conduit to convey storm water.

Story. That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Mezzanine. A mezzanine is an intermediate level or levels between the floor and ceiling of any story, with an aggregate floor area of not more than one-third of the area of the room in which the level or levels are located. (Source: BOCA Code)

Story, Basement. For the purposes of this Ordinance, a basement shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured.

Story, Half. The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clean height of at least seven feet six inches (7 feet 6 inches).

Street. A public or private traffic way having a right-of-way width of not less than sixty-six (66) feet, which meets the requirements of this ordinance, and which affords the principal means of vehicular access to the abutting property.

Street Line. The street line is that line 33 feet from, and parallel to the center line of a public road, or private road approved by the Township board, unless a right-of-way of greater width is held by the County or State Road Commission. In the latter case the Street Line shall be that line one-half the distance of the right-of-way width from, and parallel to, the road center line.

Structure. Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground. When a structure is divided into separate parts by

an unpierced wall, each part shall be deemed a separate structure. Among other things, structures shall include buildings, mobile homes, walls, fences, billboards, signs, and towers.

Structure Height. See Building Height, herein.

Structural Alteration. Any change in the supporting elements of a building or structure such as, but not limited to, bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof.

Supermarket. A retail establishment primarily selling food as well as other convenience and household goods, commonly having a gross floor area of between 35,000 and 75,000 square feet.

Swimming Pool, Commercial. A swimming pool and/or wading pool, including structures necessary and incidental thereto, operated by a non-governmental unit for profit.

Swimming Pool, Community. A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by an association of members for the benefit of such association, incorporated or unincorporated, provided that said association is not organized for profit, and provided that the right to use such pools is restricted to these members and their guests.

Swimming Pool, Private. A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel on which situated, and their guests.

Temporary Use. A use in any zoning district that is allowed for up to a maximum of 90 days per calendar year.

Tent Camper. A vehicular, portable structure, built on a non motorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and whose sides and top can be folded down into a compact trailer unit for traveling.

Time Limits. Unless otherwise specified, time limits stated in this ordinance shall be measured from midnight of the date on which the cause of action arises. Specific units of measure shall be as follows:

- A. Days - consecutive periods of 24 hours.
- B. Weeks - consecutive periods of 7 days.
- C. Months - consecutive periods of 28 - 31 days,

D. Years - consecutive periods of 365 days.

Transition Strip. An improved strip of land that functions as an aesthetic buffer between different land uses. A transition strip normally consists of living plant materials, however, a screen or wall may be substituted at the discretion of the planning commission, where permitted. A transition strip shall not be included as part of the required yard.

Township. The Township of Iosco, Livingston County, Michigan.

Use. The lawful purpose, for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let or leased.

Use, Legal Non-Conforming. An existing use of land and structures, as of the effective date of this Ordinance, which does not conform to the uses specified as permitted in a District.

Use, Illegal Non-Conforming. An existing use of land and structures, created after the effective date of this Ordinance, and which does not conform to the uses specified as permitted in a District.

Use, Special Land. A use that would be inconsistent with, or detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or township as a whole and may be permitted if proper safeguards are taken. Such uses may be permitted in such zoning district as Special Land uses if specific provision for such Special Land use is made in this ordinance.

Use, Permitted. A use permitted by right in the zoning district where so designated without further action by the property owner or Township.

Variance. A variance is a relaxation of regulations of this ordinance with respect to a specific lot, granted by the Board of Appeals. The variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this ordinance would result in unnecessary hardship or practical difficulty.

Watercourse. Any waterway or other body of water having well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds, as shown on the Official Drainage Map.

Wetlands. Poorly drained lands of two (2) contiguous acres or more, that are generally or intermittently covered with water which, by nature of their surface and/or sub-surface soil characteristics are self-contained water resources, including marshes, swamps and bogs.

Yard, Required, Side/Rear/Front. An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, Side. A required side yard is an open space extending from the front yard to the rear yard and of a uniform width (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as herein otherwise specified.

Yard, Rear. A required rear yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as herein otherwise specified.

Yard Front. A required front yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the front lot line and unoccupied from the ground upward except as hereinafter specified.

Wildlife Preserve. Land kept and/or managed to protect and propagate wildlife.

Zoning Administrator. The person designated by the Township Board to administer the Zoning Ordinance.

Zoning Board of Appeals: The Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended.