

Article 21 DEFINITIONS

Section 21.1 Construction of Language

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

- A.** Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B.** The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C.** The word "building" includes the word "structure" and both include any part thereof.
- D.** The word "lot" includes the word "plot", "tract", or "parcel".
- E.** The term "shall" is always mandatory and not discretionary. The term "may" is permissive.
- F.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- G.** The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I.** The "Township" is the Township of Iosco in the County of Livingston, State of Michigan. The "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K.** Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 21.2 Definitions

Abutting: The sharing of a lot line, or portion thereof, between the subject lot and another lot, easement or other feature.

Adjacent: To abut.

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal building, and located on the same lot as the principal building except where this Ordinance expressly permits otherwise. An accessory building is not part of or attached to the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the lot, and located on the same lot as the principal use except where this Ordinance expressly permits otherwise.

Adult Foster Care Facility: An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, a nursing home licensed under Public Act 139 of 1956, as amended, or adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

- a. **Family Home:** An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.

- b. Group Home: An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

Agriculture: The cultivating or use of land, including associated buildings and machinery, for the commercial production of farm products including but not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.. "Agriculture" may be referred to as a "farm" and shall not be interpreted to include kennels, equestrian centers and similar activities that do not comprise the commercial production of farm products.

Airport: A facility for the landing, takeoff, shelter, supply, and repair of aircraft, licensed by the Michigan Department of Transportation, Bureau of Aeronautics and available to serve the general public.

Alter/Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

Arcade: Any business within which are located ten (10) or more amusement devices. For purposes of this Section, amusement devices shall mean any device, machine or apparatus operated by a patron which plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense items, kiddie rides, jukeboxes, bowling alleys, or pool tables, or establishments otherwise defined as sexually oriented businesses.

Assisted Living Facilities: Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility or nursing home as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, nursing care, and day trips.

Basement: See "Story-Related Definitions."

Bed and Breakfast: A structure erected for the purpose of renting bedrooms on a nightly basis, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only, and occupied by the owner, and which reflects a residential architectural theme to such an extent that the structure appears as a single family dwelling when viewed from adjacent roads and lots. A bed and breakfast may also be commonly referred to as a "tourist home."

Bedroom: A room in a dwelling unit for or intended to be used for sleeping purposes by human beings.

Berm: A mound of earth graded and shaped in such a fashion as to be used for visual and/or audible screening purposes, or for a visual landscape feature.

Building: Any structure having a roof supported by columns, walls, or any other supports, which is used for housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business or other activities. This definition includes but is not limited to dwellings, garages, and greenhouses. A building may be divided into two (2) or more separate areas for use by separate tenants, and similar arrangements.

Building Code: Codes adopted by the Township pursuant to the Michigan Construction Code and fully independent of the Zoning Ordinance, that establish minimum standards for construction such as, but not limited to, standards pertaining to foundations, footings, framing, roof loads, plumbing systems, electrical systems and fire protection.

Building Coverage: The amount of a lot, stated in terms of a percentage of the lot area, which is covered by all buildings located thereon and measured from the buildings' exterior wall faces. Where a roof extends more than three feet (3') from the building wall, the building's coverage shall be measured from the outer limits of the roof.

Building Height: The vertical distance measured from the *average finished ground surface elevation* along the front of the building where it abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs.

Building Inspector: An individual or entity retained by the Township to administer the Michigan Construction Code.

Building Permit: Written authority by the building inspector confirming that proposed construction is in compliance with the Michigan Construction Code.

Campground: A facility where sites are offered for use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle and placed for temporary living quarters. "Campground" shall not be construed to include any facility or portion of a facility where such temporary housing sites are purchased by users or not owned by the facility owner, including but not necessarily limited to condominium ownership.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document issued by the building inspector certifying that the described property and/or construction on such property complies with the provisions of the Building Code and may be legally occupied.

Child Day Care Center: A facility, other than a private residence, receiving one (1) 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. Day care center includes a facility which provides care for not less than 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. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.

Child Day Care Facility: A private home in which the operator permanently resides as a member of the household in which 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 that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

- a. Family Home: A child day care facility with the approved capacity to receive one (1) but less than seven (7) minor children.
- b. Group Home: A child day care facility with the approved capacity to receive more than six (6) but not more than twelve (12) minor children.

Child Foster Care Facility: A private home in which minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 Public Act 288, 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, legal guardian, or legal custodian.

- a. Family Home: A child foster care facility with the approved capacity to receive one (1) but not more than four (4) minor children.
- b. Group Home: An adult foster care facility with the approved capacity to receive more than four (4) but fewer than seven (7) minor children.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. "Church" shall not be construed to mean an undertaker's chapel or funeral home.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public, and does not provide merchandise, vending, or services customarily offered on a commercial basis except incidentally for the membership and purpose of such club.

Condominium: A project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Public Act 59 of 1978, as amended).

Condominium 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.

Condominium, Site: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein in the condominium units function largely as lots within a platted subdivision.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium project which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium project, as well as the nature, location and size of common elements. A site condominium may not necessarily have vertical or volumetric limits.

Condominium Unit: That portion of a condominium designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land as in the case of a site condominium, or space which either encloses or is enclosed by a building. A condominium unit in a site condominium shall be equivalent to the term "lot" for the purposes of determining compliance of the site condominium with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, setbacks, maximum lot coverage, and similar standards pertaining to lots.

Contractor's Yard: A site on which a construction contractor stores equipment, tools, vehicles, building materials, and/or other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both, and accessory office space.

Convalescent Home: A facility that houses persons who receive a wide range of health and support services including the provision of meals and nursing care, and may be commonly referred to as a nursing home.

District: See Section 3.1.

Drive-In / Drive-Through Establishment: A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles. A vehicle wash facility shall not be construed as a drive-in/drive-through establishment.

Driveway: A means of access for vehicles from a public road or approved private road or alley, across a lot, to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the County Road Commission, and which is intended to principally serve the occupants of the lot. A driveway shall not be construed as a public or private road as defined in this Ordinance.

Dwelling, Multiple Family: A building containing three (3) or more dwelling units for three or more families living independently of each other, but excluding a motel or hotel.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively by one family for living, cooking and sleeping purposes.

Dwelling, Two Family (Duplex): A building containing two separate dwelling units.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking, sleeping and ingress/egress purposes. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the provisions of this Ordinance pertaining to dwellings. A recreational vehicle shall not be construed as a dwelling unit except as may be authorized pursuant to Section 20.7.

Easement: A legally recorded grant of one or more of the property rights of a property owner to the public or another person or entity.

Equestrian Center: A structure and/or land use designed for the conducting of horse shows, training exhibitions, horse auctions, or any other horse-based activity typically characterized by the gathering of spectators or observers.

Erected: Anything built, constructed, reconstructed, moved upon, or any physical operations upon a lot required for such activities. Excavations, fill, grading, drainage, and the like, shall be considered a part of "erection."

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including communication or other towers, buildings, substations, the storage of or shelters for service equipment, maintenance depots, and similar above ground facilities.

Excavation: Any breaking of ground, except common household gardening, agriculture and ground care.

Extraction Operation: The removal of any earthen material, including top soil, sand, gravel, stone or any other earthen material, for the purpose of sale or use or disposition on another parcel, including crushing, sorting, washing, and other activities directly relating to the extraction operation. Extraction operations shall not be construed to include excavation activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted.

Family:

- a. An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single 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 and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm: See definition of “agriculture.”

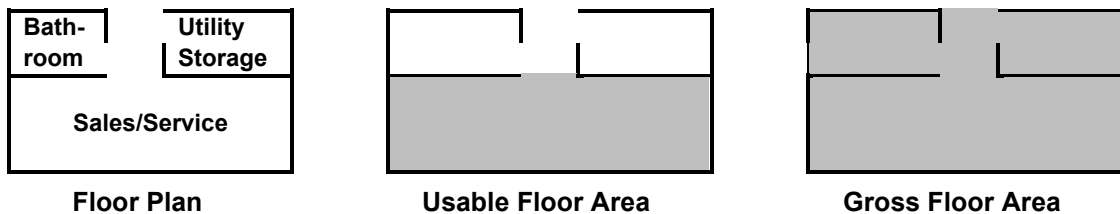
Farm product: Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture

Fence: An accessory structure intended to serve as an obscuring screen, physical barrier, and/or decorative landscape element. A fence is typically constructed of wood, metal, iron, brick, stone and/or plastic, and/or other materials designed to replicate or appear similar to such materials. “Fence” shall be construed to include a screen, barrier and/or decorative element commonly referred to as a “wall.”

Filling: The depositing or dumping of any matter into or onto the ground.

Floor Area, Gross: Unless provided for elsewhere in this Ordinance, the sum of all horizontal areas of all floors of a building or buildings, measured from the exterior faces of exterior walls. See figures below.

Floor Area, Usable: Unless provided for elsewhere in this Ordinance, and for the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls and includes the sum of the usable floor area for all floors unless expressly specified otherwise. In the case of a half-story, the useable floor area shall be considered to be only that portion having a ceiling height of five (5') feet or more. See figures below.



Frontage: The total continuous length of the front lot line. See definition for “lot lines.”

Garage: An accessory building or an accessory portion of a principal building designed or used primarily for the parking and/or storage of motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Grading: The act of contouring the ground surface including the addition (filling) and/or removal (cutting) of earthen material, so as to modify the surface elevation, commonly for the purpose of construction, storm water management and/or creating landscape features.

Half-Story: See “Story-Related Definitions.”

Home Occupation: See Section 20.10.

Hospital: A human care institution that is licensed by the State of Michigan to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, staff offices, pharmaceutical services, and other support facilities and services.

Hotel/Motel: A building or group of buildings, whether detached or in connecting units, that is comprised of two (2) or more individual sleeping or dwelling units designed primarily for transient automobile travelers. The term

"hotel" shall include buildings designated as motels, auto courts, tourist cabins and courts, motor courts, motor hotel, and similar lodging arrangements which are designed as integrated units of individual rooms under common ownership. A hotel shall not be construed as a multiple family dwelling. A hotel may include support services, including recreation facilities, where approved for such. A hotel may include kitchen facilities in the individual units where approved for such.

Hunt Club: An outdoor or indoor facility designed for and devoted to the shooting of firearms or archery equipment at anything other than inanimate objects, including what are commonly referred to as hunting preserves.

Junk Yard: Any outdoor area or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of scrapped, worn out, abandoned or discarded materials, which may include but need not be limited to paper, rags, glass, cans, bottles, appliances and construction materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junkyard may also be referred to as a salvage yard and/or wrecking yard.

Kennel: A kennel is defined to include (a) and/or (b) below:

- a. A lot or premises on which four (4) or more dogs, or four (4) or more cats, or four (4) or more similar animals, three (3) months of age or older, are kept for compensation, either permanently or temporarily, for the purposes of breeding, boarding, housing, leasing, sale, or transfer.
- b. A lot or premises on which four (4) or more dogs, or four (4) or more cats, or four (4) or more livestock, three (3) months of age or older, are typically maintained for two (2) or more consecutive weeks for the purpose of rehabilitation and/or the provision of an environment in which to spend their final years before death, and may be commonly referred to as a "animal rescue," "dog rescue," and/or "horse rescue" facility.

Landscaping Services: A lot used for office purposes along with the storage of supplies and equipment, in association with the provision of landscape services to off-site locations. Landscape services may include lawn mowing and maintenance, snow removal, landscape design and installation, and the sale and delivery of landscape materials such as mulch, plants, seed, fertilizer, gravel, soil, pavers, and similar landscape supplies.

Livestock: Cattle, horses, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

Lot: A tract of land occupied, or intended to be occupied, by one or more buildings or uses, together with such yards and open spaces as are required under the provisions of this Ordinance, and which is described as a platted lot or portion thereof or a tract of land described by metes and bounds or a portion of such parcel described by metes and bounds. A lot may or may not be specifically designated as such on public records. Within a site condominium, a condominium unit shall be synonymous with a lot for the purposes of compliance with this Ordinance.

Lot Area: The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way or easement abutting any side of the lot.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved road(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see "Lot Types" figure at end of this Article).

Lot Depth: The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

Lot, Interior: A lot with only one lot line along a road and not comprising a corner lot.

Lot Lines: The lines bounding a lot (see "Lot Lines and Yards" figure at end of this Article).

a. Lot Line, Front:

1. In the case of an interior lot, the front lot line shall be the line separating said lot from the road right-of-way or easement from which it gains access, including a lakefront lot.
2. In the case of a corner lot, the front lot line shall be the shorter of the two (2) lines separating said lot from the adjacent road right-of-ways or easements unless designated otherwise on a recorded plat.
3. In the case of a through lot, the front lot line shall be the line shall be as designated on the plot plan or site plan, subject to approval of such plan.
4. In the case of a flag lot, the front lot line shall be the lot line most parallel to and nearest the road from which access is obtained. The front lot line shall not be construed to be the lot line adjacent to the road right-of-way.

- b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line.
 - 1. In the case of a waterfront lot, the rear lot line shall be the line comprising the ordinary high water mark or, where a seawall has been erected, the edge of the water along such seawall.
 - 2. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
- c. **Lot Line, Side:** Any lot line other than a front or rear lot line (*see Figure 21-3 at end of Article*). A side lot line separating a lot from another lot or lots is an "interior side lot line".

Lot, Through: A lot having frontage on two (2) roads other than a corner lot (*see "Lot Types" figure at end of this Article*).

Lot, Waterfront: A lot adjacent to a lake, river or stream, provided such feature holds water throughout a typical calendar year.

Lot Width: The straight line horizontal distance between the side lot lines, measured where the required front yard setback line intersects with the side lot lines, unless regulated elsewhere by this Ordinance.

Manufactured Home/Housing: A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location and transported to a lot for placement and final construction stage including connection to utilities. Manufactured housing includes mobile homes and modular housing units.

Manufactured Housing Community: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Master Plan: The officially adopted policies of the Township addressing community growth, development, land use, and preservation, prepared pursuant to Public Act 33 of 2008, as amended, the Planning Enabling Act, and consisting of maps, charts and written material.

Medical Clinic: An establishment where human patients, not lodged overnight, are admitted for examination and treatment by two (2) or more physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but shall not include facilities for overnight patient care or major surgery.

Mini Storage: A building or group of buildings that contain individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares, and access to such stalls or lockers is not typically necessary on a daily basis.

Mobile Home: A structure intended to function as a dwelling unit, transportable in one or more sections, which is built on a chassis and may be erected with or without a permanent foundation. A mobile home is generally considered temporary or transportable. The term "mobile home" shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

Modular Home: A structure intended to function as a dwelling unit and comprised principally of one (1) or more components substantially assembled in a manufacturing facility and transported to the site on which it is to be located, for final assembly on a permanent foundation. A modular home is not considered temporary or transportable upon final assembly.

Nonconforming Building or Structure: A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement, setbacks or similar features for the District in which it is located.

Nonconforming Lot: A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area, width and/or other dimensional requirements of the District in which it is located.

Nonconforming Use: A use of a building or structure, or of a land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the District in which it is located.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her authorized representative.

Parcel: A lot described by metes and bounds or described in a recorded plat or, in the case of a site condominium, a condominium unit.

Parking Space: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1996, as amended, or a prior statute.

Planned Unit Development: A development project authorized according to Article 4 of this Ordinance that exhibits use and/or design features that are not normally permitted in by this Ordinance, to facilitate beneficial flexibility in the use and development of land. See Article 4.

Plot Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

Porch, Enclosed: A platform at an entrance to a building that is enclosed. "Enclosed" shall be construed to mean that more than ten (10) percent of the exterior perimeter of the porch exceeds forty-two (42) inches in height above the platform surface below, including railings, screening, and columns or other support structures that may be present to support a roof. An enclosed porch may not necessarily have a roof.

Porch, Unenclosed: A platform at an entrance to a building that is unroofed and open on all vertical sides except the side along the building to which it is attached or adjacent. "Open" shall be construed to mean that no more than ten (10) percent of the exterior perimeter of the porch exceeds forty-two (42) inches in height above the platform surface below, including railings, screening, and columns or similar features.

Principal Building: The main building on a lot in which the principal use exists or is served by.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Landing Strip: A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only, and recognized by a state authorized body.

Private Stable: An accessory structure and/or land use located on a lot with an occupied dwelling, where horses are kept for the personal use of the occupants of the dwelling and where no more than three (3) other horses not belonging to the occupants of the dwelling may be boarded. A private stable may offer and provide riding lessons only upon approval as a home occupation.

Public Facility: Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, or state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks, cemeteries, museums, police and fire protection facilities, courts of justice, and government offices.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; water, gas, steam, electricity, sewage disposal, communication, transportation or water, but excluding wireless communication facilities.

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or living quarters mounted on or drawn by another vehicle. A recreational vehicle may be commonly referred to as travel trailer, camper trailer, pop-up, motor home, and/or pickup camper.

Recycling Center: A facility where material is separated and processed prior to shipment for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard. A facility that functions as an accessory use that enables the general public to drop off products such as bottles, cans, plastics, and newspapers, without the payment of a fee of any kind and which is commonly referred to as a "transfer station," for subsequent transport to another off-site facility, shall not be construed as a "recycling center."

Restaurant: A facility in which food or beverages are prepared and offered for sale for consumption on the same premises or for delivery to another location or for pick-up from another location. A banquet hall and catering service shall not be construed as a restaurant. A restaurant may be one (1) or a combination of the following:

Standard Restaurant: A restaurant whose principal method of operation includes one or more of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed, within a building.
- b. a cafeteria-type operation where food and beverage are consumed within a building.

Delivery Service Restaurant: A restaurant that includes as part of its operations the delivery of food service to the customer at another location.

Take-Out Restaurant: A restaurant that includes as part of its operations the serving of customers from a counter for consumption by the customer off-site.

Drive-Through Restaurant: A restaurant that includes as part of its operations the serving of customers in motor vehicles from a window.

Drive-In Restaurant: A restaurant that includes as part of its operations the serving of customers by a delivery service from the restaurant building to the customer in the customer's vehicle other than by a window, for consumption in the vehicle on the restaurant property.

Food Truck Restaurant: A restaurant comprised principally or in part, of a vehicle designed for the purpose of preparing and selling food and having its own motor power or an enclosed space mounted on or drawn by another vehicle. A food truck shall be construed to be a structure in regard to compliance with minimum lot area, lot width, setbacks and other site development standards of this Ordinance.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Retreat Center: A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

Right-of-Way: A public or private road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. A right-of-way is delineated by legally established lines or boundaries.

Right-of-Way Line: The legal line of demarcation between a right-of-way and abutting land.

Road: A thoroughfare that affords the principal means of access to abutting property. The term "road" also includes the term "street."

Road, Private: A private way or means of vehicular access that is not dedicated for general public use, is owned by persons, an association, or other legal entity, and the maintenance for which is the responsibility of the owners.

Road, Public: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Livingston County Road Commission.

Sawmill: A facility of a permanent nature where harvested trees are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products including the processing of harvested trees that may be transported to the sawmill facility, but excluding a temporary sawmill and the harvesting of trees for use on the same lot by the owner or resident of that lot.

Setback: The minimum distance by which any specified building, structure, or use must be separated from a lot line or other specified feature. In the case of a required building front, side or rear yard setback, the setback shall be measured from the respective lot line to the nearest foundation wall or other feature of the building projecting into the respective yard unless provided for elsewhere in this Ordinance and (1) below.

- a. Where a chimney, bay window, steps leading to an exterior door and any raised unroofed platforms in front of an exterior door or otherwise adjacent to a building wall including an unenclosed porch, or similar architectural feature, extends from the building's principal foundation wall or footing and occupies more than fourteen (14) sq. ft. of extended area beyond the building's principal foundation wall or footing, the setback shall be measured from the respective lot line to the nearest point of the extension.

Sexually Oriented Business: Refer to Section 13.18 for definitions pertaining to sexually oriented businesses.

Shooting Range: An outdoor or indoor facility designed for and devoted to the shooting of firearms or archery equipment, including what are commonly referred to as a gun club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range. A shooting range shall not be construed to include a "hunt club" as defined in this Ordinance.

Sign: See Article 8 for sign definitions.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. See Article 14.

Special Land Use: Uses and structures which are generally accepted as reasonably compatible with the primary uses and structures permitted in a District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses are subject to a public hearing. See Article 15.

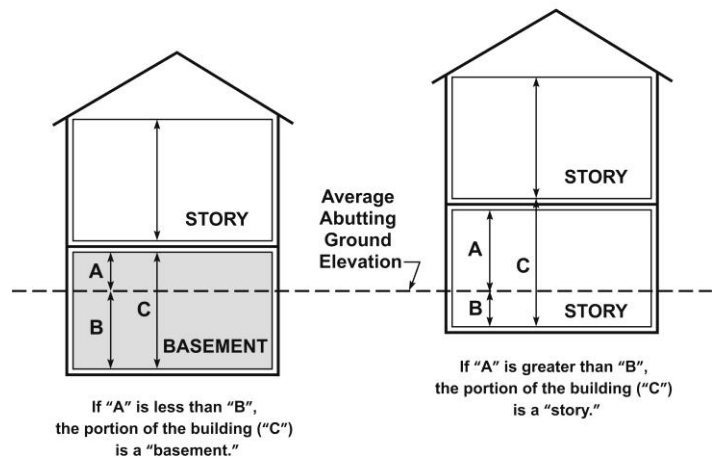
Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Story-Related Definitions:

Basement: That portion of a building which is partly or wholly below the adjacent ground elevation, but so located that the vertical distance from the average outdoor abutting ground elevation is greater than the vertical distance from such average elevation to the ceiling. The average outdoor abutting ground elevation shall be determined by taking measurements at ten foot (10') intervals along the entire perimeter wall length surrounding the floor. A basement shall not be construed as a story. See figure below.

Half Story: The uppermost area located under a pitched roof and the uppermost full story, the usable floor area of which does not exceed one-half (1/2) of the floor area of the uppermost full story, is a minimum of two hundred (200) sq. ft. in area, has a minimum ceiling height of seven (7) feet six (6) inches at some point, and has an exterior wall height from the half-story floor surface to the pitched roof surface of no greater than three (3) feet.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor or ceiling above it. A basement shall not be construed as a story.



Street: See "Road."

Structure: A structure is any one (1) or combination of the following:

- a. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, all dwellings of a permanent or temporary nature and irrespective of their manner of construction, independently supported decks, greenhouses, satellite dishes and free-standing signs.
- b. Anything that exceeds two-hundred (200) sq. ft. in floor area irrespective of the presence of permanent location on the ground or attachment to something having permanent location on the ground.

A structure shall not be construed to include the following except where otherwise provided in this Ordinance:

- a. Anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as "essential services."
- b. Paved surfaces such as sidewalks, driveways and roads.

Swimming Pool: A basin or water containment device for swimming and aquatic recreation, except that basins or water containment devices that hold water to a design depth of no greater than twenty-four (24) inches shall not be considered a swimming pool.

Tavern: An establishment that services alcoholic beverages for principal consumption on the premises.

Township Engineer: The licensed staff engineer of the Township or a licensed engineer the Township may hire from time to time as needed.

Truck Terminal: A building or area in which freight brought by truck is assembled or stored for further routing or reshipment, or in which trailers are parked or stored during the interim between hauling runs, and may include accessory repair and maintenance services and other support facilities and services such as restroom and

shower facilities.

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

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance is not be contrary to the public interest and will mitigate an otherwise unique practical difficulty, and the issuance of which is based upon standards in this Ordinance. See Article 16.

Vehicle/Car Wash: A building or portion thereof, designed and used for the commercial washing of one (1) or more vehicles at a time, irrespective of whether the washing process is automated or performed manually.

Veterinary Clinic: An establishment which is licensed by the Michigan Department of Community Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories and offices.

Vehicle Repair Shop: Buildings and premises for the purpose of engine rebuilding; repair, rebuilding or reconditioning of motor vehicles, and vehicle collision service such as body, frame and fender repair, and painting.

Vehicle Service Station: A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, and where minor automobile repairs may occur such as engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. A vehicle service station may also include floor area devoted to the sale of convenience items such as beverages, food products, and magazines, and similar convenience items, where such retail sales are authorized in the respective district.

Wall: See definition of "Fence."

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, and cellular telephone towers. Not included in the definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. See Article 13 for additional terms and definitions pertaining to wireless communication facilities.

Yard: An open space, on the same lot as the structure, building or use requiring such setback, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as further defined herein (*see "Lot Lines and Yards" figure at end of this Article*):

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line, typically being the road right-of-way line, and the nearest point of the principal building or other feature as may be specified. See definition for "lot lines" as applied to corner lots, waterfront lots and through lots. A corner lot shall be construed to have two (2) front yards.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building or other feature as may be specified. In the case of corner lots, there shall only be one (1) rear yard which shall be determined by the owner at the time of plot plan approval. See definition for "lot lines" as applied to corner lots and through lots.
- c. **Side Yard:** An open space between the principal building or use and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building or other feature as may be specified.

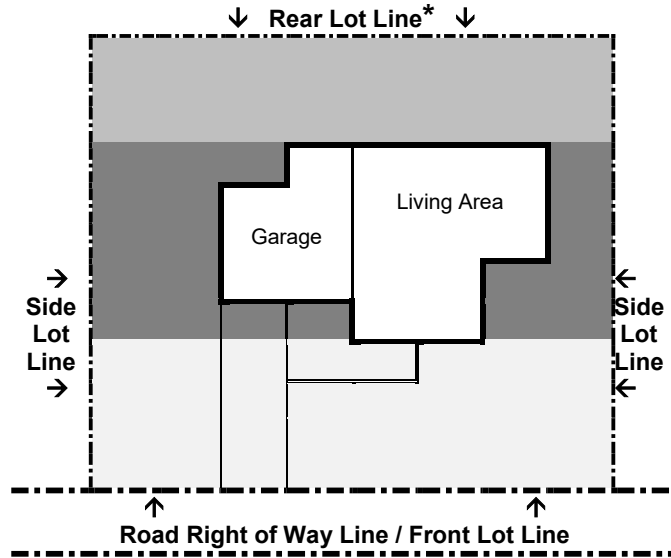
Zoning Administrator: The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

Zoning District: See Section 3.1

Zoning Permit: A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

LOT LINES and YARDS

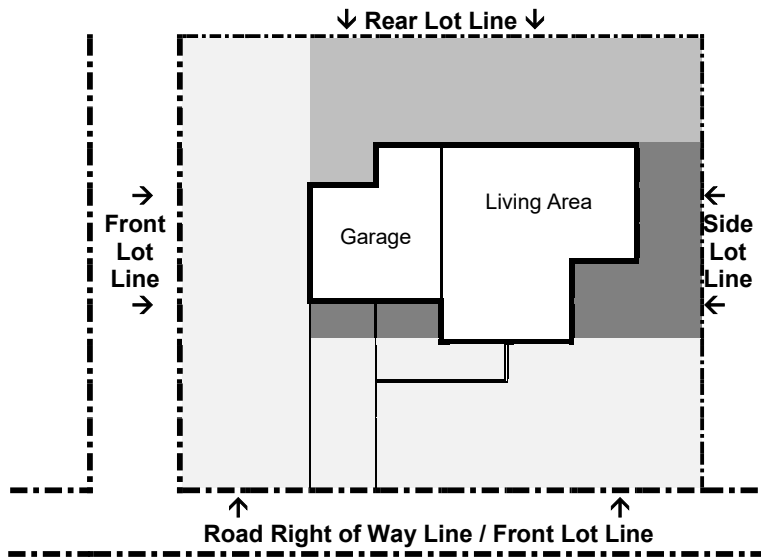
INTERIOR LOT



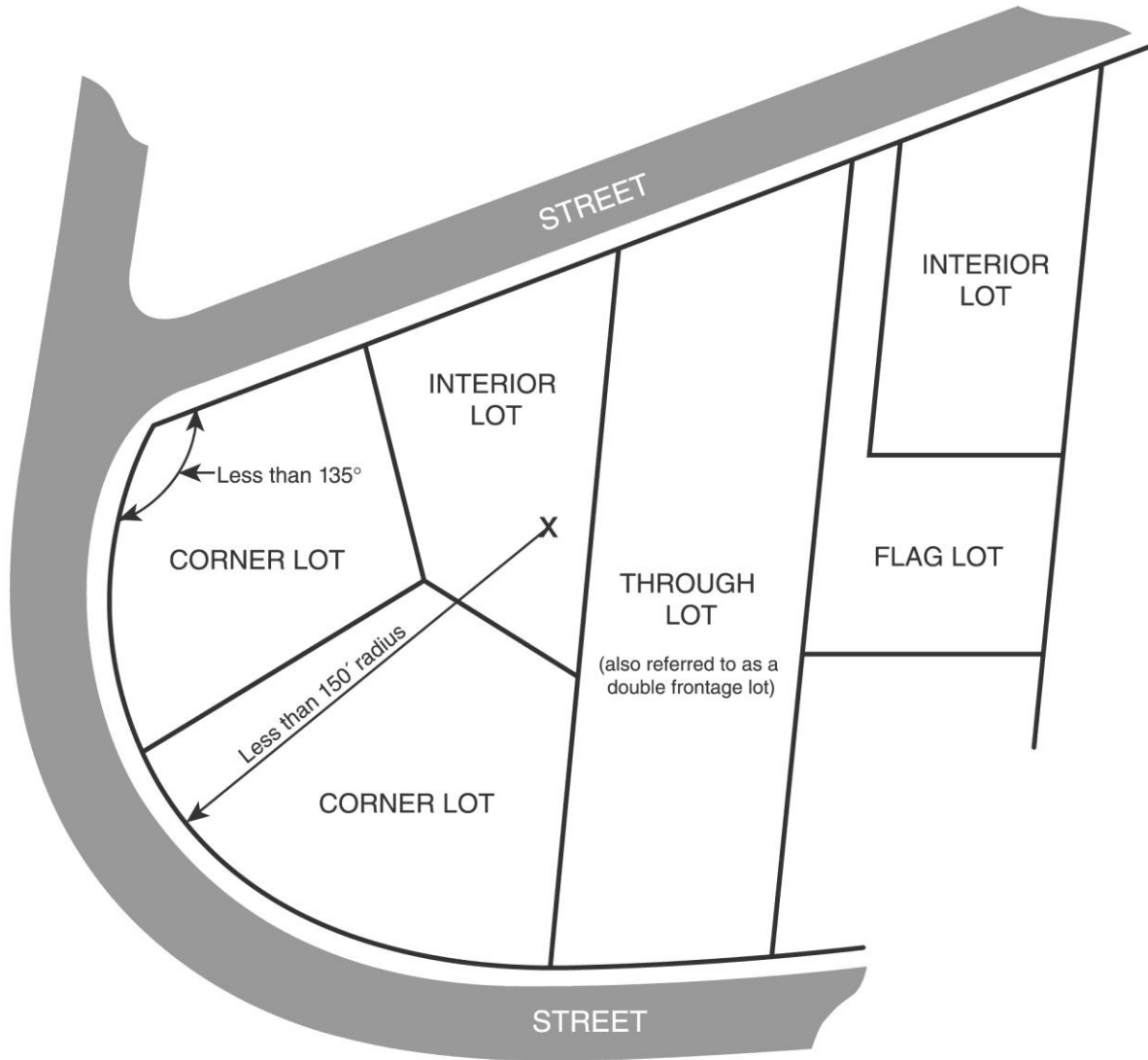
**In the case of a waterfront lot, the rear lot line is the ordinary high water mark.*



CORNER LOT



LOT TYPES



End of Article 21