

ARTICLE 2

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.0 Construction of Language

For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.

- A. The particular shall control the general.
- B. In the case of any difference of meaning of implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. Unless the context clearly indicated to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means this Ordinance; and the word "this Ordinance" shall mean "the Ordinance text, tables and maps included herein, as enacted or subsequently amended".
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- G. The word "person" includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, or any other similar entity, or their agents.
- 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 that 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.

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- I. Terms not herein defined shall have the meaning customarily assigned to them.
- J. "Township" shall refer specifically to Greenbush Township.

Section 2.1 Definitions

A

ABUTTING: Having property or district line in common; e.g., two lots are abutting if they have property lines in common.

ACCELERATED SOIL EROSION: The increased lay of the land surface that occurs as a result of man's activities.

ACCESS: A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

BUILDING, ACCESSORY OR ACCESSORY STRUCTURE: A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the principle building or buildings; except an accessory structure for storage purposes only may be constructed on a vacant parcel adjacent to, across from, or within three-hundred (300) feet of a parcel containing a principal structure. An accessory structure attached to a principle structure shall be considered part of the structure, but will not be calculated as part of the total floor space. Fences and walls are not considered accessory structures.

ADJACENT PROPERTY: All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

ADULT FOSTER CARE FACILITY: See "State Licensed Residential Facility".

AGGRIEVED PERSON: A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

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

AIR RIGHT: The rights to the space above a property, for development.

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

ALTERATIONS: Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

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AMATEUR RADIO:

1. **AMATEUR RADIO ANTENNA:** The arrangement of wires or metal rods used in the sending and receiving of radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.
2. **AMATEUR RADIO ANTENNA SUPPORT STRUCTURE:** Any structure, mast, pole, tripod or tower used to support an antenna, antennas or antenna array as a component of an amateur radio station.

AMUSEMENT ARCADE: Any place, premises, room or establishment in which a substantial and significant portion of the business is devoted to the operation of amusement devices, or in which more than five mechanical amusement devices are located and available for operation. For purposes of this Zoning Ordinance, a mechanical amusement arcade shall not include the following:

1. Mechanical amusement devices located in bars, taverns and cocktail lounges which are properly licensed by the State when the devices are located so as to be an integral part of the licensed operation and are available only to tavern patrons; and
2. Mechanical amusement devices located in motels or hotels when the devices are generally available only to registered guests.

AMUSEMENT DEVICE: Any machine or device which, upon the insertion of a coin, slug, token, plate, disc, or card, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical, or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical, or electronic baseball, football, basketball, hockey and similar sports-type games, mechanical, electrical, or electronic card games, shooting games, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

ANIMAL HOSPITAL: A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

APARTMENT: A dwelling in a multiple dwelling building or mixed use building intended for residence by one family or group of individuals living together as a single housekeeping unit.

APPLICANT: Any person who applies for a permit or petition.

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APPLICATION: The process by which the owner of a parcel of land within the Township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Township concerning such a request.

ARCHITECTURAL FEATURES: Architectural features of a building shall include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.

ASSISTED LIVING HOME: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

ATTACHED: Any structure or part of a structure immediately adjacent to another structure or connected by a total enclosed structure fastened securely to same.

AUTOMOBILE REPAIR GARAGE: A structure housing any activity involving the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles or components, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

AUTOMOBILE SERVICE STATION: A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

AUTOMOBILE OR TRAILER SALES AREA: Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

AUTOMOBILE STORAGE, DAMAGED: Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incidental or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

AUTOMOBILE WASHING ESTABLISHMENT: A building, or portion thereof, where automobiles are washed as a commercial enterprise.

AWNING: Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story nor counted as floor area, unless the room has emergency egress.

BEACH: The land between the ordinary high water mark and the first line of terrestrial vegetation.

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BED AND BREAKFAST ESTABLISHMENT: A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis at which the owner(s) or resident manager(s) may provide breakfast to guests at no additional cost.

BEDROOM: A dwelling room used or intended to be used by human beings for sleeping purposes.

BERM: A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

BILLBOARD:

A constructed unit upon which a verbal and/or pictorial sign or advertisement is fastened for the purpose of disseminating information to the general public, but not including bulletin boards on government property used to display official or public notices and information, or church bulletin boards.

BLOCK: The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the Township.

BOARD OF APPEALS: As used in this Ordinance, this term means the Greenbush Township Zoning Board of Appeals.

BOARDING HOUSE: See Rooming House.

BOAT LAUNCH RAMP: Facility to launch and retrieve recreational watercraft from a trailer.

BOAT LIVERY AND/OR CANOE LIVERY AND BOAT YARD: Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, repairing, servicing, storing or providing use thereof to persons other than the owners for a charge or fee.

BOAT SLIP: A space used for the mooring/docking of a one (1) or more watercraft.

BREEZEWAY: Any covered passageway with open or enclosed sides between two buildings.

BUFFER STRIP: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

BUILDABLE AREA: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

BUILDING: Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

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BUILDING AREA: The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed porches, patio, terraces, and steps.

BUILDING, EXISTING: An "existing" building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance provided that the construction of any such building continues uninterrupted and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.

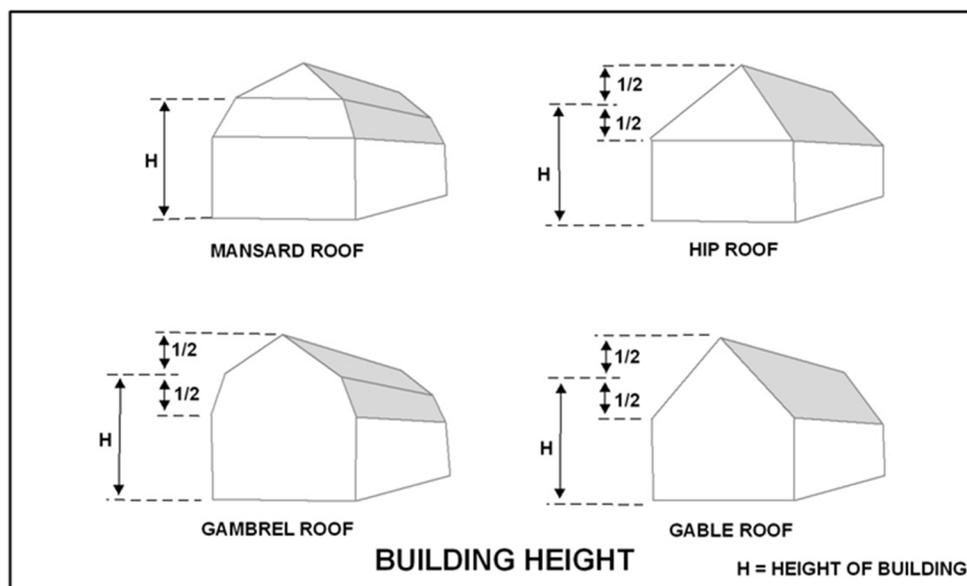
BUILDING, FARM: Any building or structure, other than a dwelling unit, built, or placed upon land within a bona-fide farm and considered essential and standard to the carrying on of farm operations.

BUILDING, FRONT: That façade of the building most nearly parallel to and nearest the front lot line.

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs, and the average height between the lowest point and the highest point on a shed roof. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING LINE: A line formed by the wall of the building, and for the purposes of this Ordinance, a minimum building line is the same as a setback line.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the premises on which it is situated.



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C

CABIN: Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

CAMPGROUND: Any parcel or tract of land, under the control of any person, wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for recreational units.

CANOPY: A permanent roof-like shelter that extends from part or all of a building face and does not have posts or other ground supports.

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

CERTIFICATION OF COMPLETION: A signed written statement by the Zoning Administrator or Building Inspector that specific construction and/or grading has been inspected and found to comply with all plans and specifications.

CHILD CARE FACILITY: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

1. **FAMILY CHILD CARE HOME:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
2. **GROUP CHILD CARE HOME:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
3. **CHILD 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 twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that 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.

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4. **PRIVATE HOME:** A private residence in which the registered facility operator permanently resides as a member of the household.

CHURCH: See Religious Institution.

CLINIC, HUMAN: A building or group of buildings where human patients are admitted for examination and treatment by a professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

CLINIC, VETERINARY: A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

CLUB: An organization of persons for special purposes or for the promulgation of sports, social, arts, sciences, literature, politics, agriculture, or the like, but not operated for profit.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

COLLEGE: A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

COMMERCIAL: A business use or activity at a scale greater than a home occupation involving retail or wholesale marketing of goods or services.

COMMISSION: As used in this Ordinance, this term means the Greenbush Township Planning Commission.

COMMON AREAS, USES AND SERVICES: Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

COMMUNITY/EMERGENCY & OTHER RELIEF SERVICES: Establishments engaged in providing food, clothing, medical relief, resettlement, and counseling services.

CONDITIONAL REZONING: A process consistent with the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended) (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

CONDOMINIUM ACT: Act 59, Public Acts of 1978, as amended.

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CONDOMINIUM UNIT: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as homesite and condominium unit in site condominium developments.

CONVALESCENT OR NURSING HOME: A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases or for psychotics or other unruly, mentally deranged persons nor for surgical or medical cases commonly treated in hospitals.

CONVENIENCE STORE: A retail store with a floor area of less than twenty-five hundred (2,500) square feet that sells groceries and may also sell gasoline; does not include automotive service stations or automotive repair shops.

COTTAGE INDUSTRY: A home occupation of which the sale of goods, services or products on the premises is a significant portion of the business.

CRITICAL AREA: Land significantly or seriously affected by development.

CUL-DE-SAC: A street with only one outlet having sufficient space at the closed end to provide vehicular turning facilities.

D

DECK: A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade.

DENSITY: The number of dwelling units on, or to be developed upon, a net acre of land.

DEVELOPMENT: All structures and other modifications of the natural landscape above and below ground or water on a particular site.

DISTRICT: A portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. "District" as used herein is synonymous with the word "zone", "zoning district", or "overlay district".

DRIVE-THROUGH: An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

DRIVEWAY: A means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

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DWELLING UNIT: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

DWELLING UNIT, MANUFACTURED: A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is 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. A manufactured home is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

DWELLING UNIT, MODULAR: A dwelling unit which has the majority of its structural components built off-site and shipped for final assembly on the foundation.

DWELLING UNIT, SITE-BUILT: A dwelling unit which is substantially built, constructed, assembled and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

DWELLING, APARTMENT: A building divided into separate living quarters, each having at a minimum, its own sleeping and living facilities. All apartments must conform to regulations applicable to dwelling units in this Ordinance.

DWELLING, ATRIUM HOME: A single-family dwelling attached to other similar single-family units, all have a common courtyard.

DWELLING, CONDOMINIUM: An apartment building or multiple unit single-family dwelling in which each tenant holds a fee title to each unit and beneficial ownership in the limited and general common elements.

DWELLING – EARTH HOME: A residential dwelling designed and constructed to be built partly or entirely below lawn level and to utilize soil and/or earth material, primarily for the purpose of achieving energy efficiency. Underground homes are generally categorized into one of the following three styles:

1. Elevation: All doors and windows on one wall only and all other walls and the roof are completely covered with soil (hillside or earth berms).

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2. Penetrational: Limited openings (doors and/or windows) on more than one wall built wholly below surface or bermed.

3. Atrium: Entirely built below surface where all openings face an open courtyard (atrium) which is also situated below lawn level.

DWELLING, ONE-FAMILY: A building designed exclusively for and occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY OR DUPLEX: A building designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

DWELLING, TOWN HOUSE: A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

E

EASEMENT: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

ERECTED: Built, constructed, reconstructed, or moved upon; includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

EROSION: The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public or private utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, fiber optic, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generator, public buildings and public utility substations are not included within this definition.

EXCAVATION: The removal of rock, sand, soil or fill material below the average grade of the surrounding land and or road grade, whichever is the highest. This does not include alterations for farming, gardening, or ground care.

F

FAÇADE: The exterior wall of a building exposed to public view.

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FAMILY: Either of the following:

- A. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and 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. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. The number of persons who may reside as a functional equivalent family shall be limited to five exclusive of domestic employees.

FARM: The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the production of farm products.

FEED LOT: Any tract of land or structure wherein any type of fowl, or the by-products thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats or swine are kept, for the purpose of fattening such livestock for final shipment to market, or where swine are kept under any conditions.

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: A man-made structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

FENCE, ORNAMENTAL: A man-made structure, the surface area of which is more than fifty (50) percent open and which is no more than four (4) feet in height. Ornamental fences shall not be chain link or wire construction.

FILLING: The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

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FLOOD PLAIN: The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year flood plain consists of contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years. The one-hundred (100) year flood plains are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency).

FLOOR AREA, RESIDENTIAL: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements without emergency exits, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USABLE COMMERCIAL: That area used for or intended to be used for the sale of merchandise or services, or used to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area".

FOOT-CANDLE: A measure of light falling on a surface. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away.

FOSTER CARE HOME: A community-based residential facility for the physically handicapped, mentally retarded and previously mentally ill adults which meets the requirement of and is licensed by the State of Michigan.

FRONTAGE: The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

G

GARAGE, COMMERCIAL: Any premises used for repair and maintenance of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

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

GARAGE, YARD OR PORCH SALE: Any sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

GARBAGE: Waste material which will or may decompose and become offensive or dangerous to public health.

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GASOLINE SERVICE STATION: See “Automobile Service Station”.

GAZEBO: A gazebo shall not be included in or known as an accessory building and shall be defined as a structure separate from the main residential unit, with a floor and roof and structural support for the roof, but with all open sides and intended for casual use and not living quarters or storage.

- a. Maximum of fifteen (15) feet to highest point.
- b. Floor area not to exceed three hundred (300) square feet.
- c. Side areas to include two-thirds (2/3) open space.

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS): Those practices as defined by the Michigan Commission of Agriculture.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT: A planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.

GUEST HOUSE: Separate structure or dwelling, on a residential parcel, used for sleeping and/or eating purposes by non-paying friends, relatives or acquaintances of the resident or owner of the main structure.

H

HARDSHIP: Any oppressive or unjust land and development situation not created by oneself.

HAZARDOUS SUBSTANCES: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

HIGHWAY: A public thoroughfare or street, excluding alleys, but including Federal, State and County roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

HOME OCCUPATION: An occupation or profession carried on by the occupant of a dwelling unit which is conducted within a dwelling or accessory building and which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

HOMELESS SHELTER: See “Residential Human Care Facility”.

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HOSPITAL: An institution providing health services, primarily for inpatients 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 offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

HOTEL: A building or part of a building with a common entrance in which the dwelling units or rooming units are accessed from the interior or the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

I

INDIVIDUAL AND FAMILY SERVICES: Establishments engaged in providing nonresidential individual and family social assistance services.

IMPERVIOUS SURFACE: Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

IMPROVEMENTS: Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area.

INDUSTRIAL PARK: A legally recorded subdivision that has been specifically designed for industrial purposes and use.

INOPERABLE VEHICLE: A vehicle which cannot be operated legally on a public street.

J

JUNK: All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

JUNK YARD: Place, structure or parcel of land over 200 square feet where junk, waste, discarded, salvaged or similar materials, such as old iron or, other metal, wood, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house-wrecking and structural steel materials and equipment and excluding pawnshops, establishments for the sale, purchase or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

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K

KENNEL, COMMERCIAL: Any lot or premises on which four (4) or more dogs, cats or other household pets more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

L

LABORATORY: A place devoted to experimental, routine study or basic study such as testing and analytical operations, and which manufacturing of product or products, except prototypes for testing market, is not performed.

LAKE FRONTAGE: The land adjacent to and abutting the ordinary high water mark of all inland lakes and Lake Huron.

LAKEFRONT LOT - FRONT: The portion of a single parcel of property which lies between the building line of a dwelling unit and the ordinary high water mark of the lake.

LAKEFRONT LOT - REAR: The portion of a single parcel of property which lies between the lot line furthest from the water's edge and the building line of a dwelling unit furthest from the ordinary high water mark of the lake.

LAND USE: A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, logging operations, agricultural practices and mining.

LANDSCAPING: Some combination of planted trees, vines, ground cover, flowers or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, ponds, art works, screens, walls, fences, benches, walks, paths, steps, terraces, garden structures, etc.

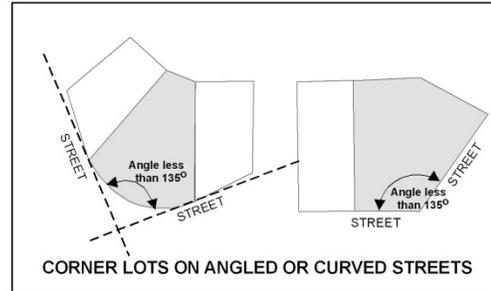
LAWN EXTENSION:

- A. The area within the public right-of-way located between the public sidewalk and the curb or edge of pavement, if there is no curb; or
- B. If there is no sidewalk, the area within the public right-of-way located between the front property line and the curb or edge of pavement, if there is no curb.

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

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LOT: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records.



LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

LOT, INTERIOR: Any lot other than a corner lot.

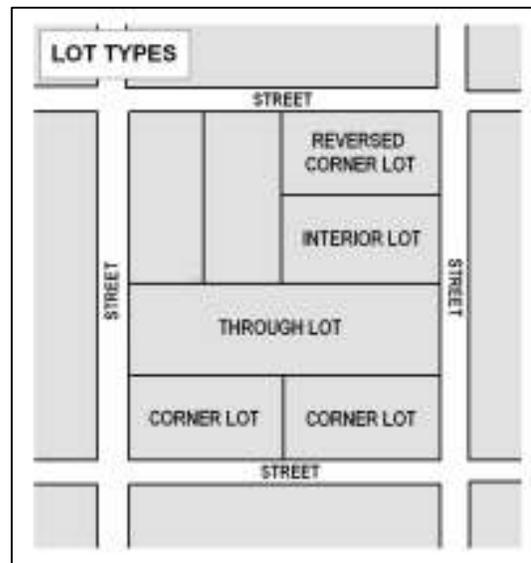
LOT, REVERSED CORNER: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

LOT, THROUGH (DOUBLE FRONTAGE): Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT, WATERFRONT: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

LOT AREA: The total horizontal area within the lot lines of the lot.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, swimming pools, decks, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences.



LOT DEPTH: The horizontal straight-line distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES: The lines bounding a lot as defined herein:

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1. **FRONT LOT LINE:** In the case of an interior lot, that line separating said lot from the street or right-of-way. In the case of a through lot, that line separating said lot from either street or right-of-way. In the case of a corner lot, is that line separating said lot from the street that is designated as the front street in the plat and in the application for a building permit. In the case of a waterfront (lake or stream), that line separating said lot from either the shoreline of the lake (mean high water mark) or stream bank.
2. **REAR LOT LINE:** That lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot.
3. **SIDE LOT LINE:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A parcel of land defined by a legal description and recorded in the office of the Alcona County Register of Deeds, or site condominium unit established and recorded by Master Deed in the Alcona County Register of Deeds on or before the effective date of this Ordinance.

LOT WIDTH: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

M

MANUFACTURED HOME: see Dwelling Unit, Manufactured.

MANUFACTURED HOUSING COMMUNITY: A parcel or tract of land under the control of a person upon which 3 or more manufactured 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 manufactured home.

MANUFACTURED HOUSING COMMUNITY HOMESITE: The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

MANUFACTURING: The production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

MARQUEE: A permanent structure that extends from part or all of the building face of a motion picture or live theater and is constructed entirely of non-combustible materials and contains advertising for activities occurring within the building.

LANGUAGE & DEFINITIONS

MASTER DEED: The condominium document recording the condominium project as approved by the Township to which is 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.

MASTER PLAN: The Greenbush Township Master Plan including background information, maps, goals and objectives, and plans for the development of the Township and including any part of such plan and any amendments to such plan or parts thereof.

MDEQ: Michigan Department of Environmental Quality or any subsequently named agency.

MDNR: Michigan Department of Natural Resources or any subsequently named agency.

MEDICAL MARIHUANA DEFINITIONS:

1. **ENCLOSED, LOCKED FACILITY:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.
2. **MARIHUANA:** A controlled substance as defined in section 7106 of the public health code, PA 368 of 1978, MCL 333.7106.
3. **MEDICAL MARIHUANA:** Marihuana as defined by the Michigan Medical Marihuana Act (MCL 333.26421 et seq.) grown, used or transferred for “medical use” as defined by the Act.
4. **PRIMARY CAREGIVER:** That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who is at least 21 years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients’ use of medical Marihuana.
5. **PRIMARY CAREGIVER FACILITY:** A building in which the activities of a Primary Caregiver are conducted.
6. **QUALIFYING PATIENT:** That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

MEZZANINE: An intermediate floor in any story occupying not to exceed one-half (1/2) of the floor area of such story.

MINI-STORAGE: Mini-storage buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer’s goods or wares.

LANGUAGE & DEFINITIONS

MOBILE HOME: See “Dwelling Unit, Manufactured”.

MOBILE HOME PARK: See “Manufactured Housing Community”.

MORTUARY OR FUNERAL HOME WITH CREMATORIUM: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burials; (b) the performance of autopsies; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall exclude cemeteries.

MORTUARY OR FUNERAL HOME WITHOUT CREMATORIUM: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burials; (b) the performance of autopsies; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall exclude cemeteries and crematoriums.

MOTEL: A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include tourist cabins, motor courts, automobile courts, auto cabins, motor lodges and similar facilities within this definition, but it shall not include tourist homes, rooming houses, boarding houses, multiple dwellings or hotels.

MUNICIPAL CIVIL INFRACTION: An action or omission that violates a local ordinance that is not a misdemeanor, or a felony, for which, upon a finding of responsibility by a court of competent jurisdiction, the defendant may be ordered to pay fines, damages, expenses, and costs as authorized by law.

MUNICIPALITY: Greenbush Township, Michigan.

N

NET ACRE: The actual land available for development within a parcel after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e. steep slopes, wetlands, and the like).

NONCONFORMING LOT OF RECORD: a lot of record lawfully in existence on the effective date of this ordinance, or any amendments thereto, that does not conform to the dimensional regulations of the zoning district in which it is located.

NONCONFORMING SIGN: A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

LANGUAGE & DEFINITIONS

NONCONFORMING STRUCTURE: A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not comply with the provisions of the Ordinance in the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or parcel of land at the effective date of this Ordinance, or amendments thereto, and that does not comply with the use regulations of the district in which it is located.

NUISANCE: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

NURSERY, PLANT MATERIALS: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery, within the meaning of this Ordinance, does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

NURSERY SCHOOL OR PRE-SCHOOL: A daytime facility which has as its main objective a development program for pre-Kindergarten children and whose staff meets the educational requirements established by the State.

NURSING HOME: See "Convalescent or Nursing Home".

O

OFFICE: A place where a business, executive, administrative or professional activity is carried on (wherein goods, wares or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged or sold.); Provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

OPEN SPACE: Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

ORDINARY HIGH WATER LINE: 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 soil and the vegetation. On an inland lake, which has had a level established by law, it means the high established level.

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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 soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten year flood limit line. On Lake Huron, the ordinary high water mark is established by the Army Corps of Engineers as set by International Great Lakes Datum (IGLD).

ORPHANAGE: An institution for the care of orphans-under sixteen (16) years of age.

OUTDOOR STORAGE: A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment and other supplies.

OUTLOT: Any parcel not designated as a lot, public street, or public dedication, which includes private roads, right-of-way islands, areas for future development, and all other non-buildable parcels retained by the developer or lot owners. Outlots may be of any size and shape, and do not need access to a public street. Outlots may be dedicated to the public. Outlots may be sold and/or built upon if they meet size and access requirements, and any restrictions on the outlot have been released.

OWNER: A person holding any legal, equitable, option or contract of interest in land.

P

PARCEL: See "Lot".

PARK: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, for recreational purposes.

PARKING, OFF-STREET: Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

PARKING LOT, OFF-STREET: A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering, so as to provide access for entrance and exits for the parking of more than two (2) vehicles.

PARKING SPACE: An area of definite length and width, said area shall be exclusive of drives, aisles, maneuvering lanes or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PATIO: A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than eight (8) inches above the finished grade of the property.

PERMANENT RESIDENCE: A dwelling unit used as the permanent residence of the occupant(s) and normally used as a dwelling unit for more than six (6) months during the calendar year.

LANGUAGE & DEFINITIONS

PERMANENT SOIL EROSION CONTROL MEASURES: Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

PETS, DOMESTIC: Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans; live inside a residence in close proximity with humans; form bonds with humans; and interact with human companion.

PETS, EXOTIC: Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, poisonous, and can be potentially dangerous if they escape. Examples include monkeys, apes, chimps, most snakes and reptiles, large birds, spiders and other insects.

PERFORMANCE GUARANTEE: Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Township Board.

PLACE OF WORSHIP: See Religious Institution.

PLANNED UNIT DEVELOPMENT (PUD): A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix of uses resulting in more efficient and effective use of the land and infrastructure. A Planned Unit Development provides the Township with increased oversight and guidance in the design process.

PLANNING COMMISSION: The body appointed by the Township Board under the provisions of Public Act 33 of 2008, the "Michigan Planning Enabling Act" as amended. Refers to the Greenbush Township Planning Commission.

PLAT: A map of a subdivision of land recorded with the Register of Deeds pursuant to State statute.

PLOT PLAN: The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

PORCH, ENCLOSED: A covered entrance to a building or structure which has a roof and/or walls 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: An entrance to a building or structure which is not enclosed and projects out from the main wall of said building or structure.

PORT-A-POTTY: A simple portable enclosure containing a chemical toilet (a toilet bowl filled with disinfectant instead of water) which is typically used as a temporary toilet for construction sites or large gatherings because of their durability and convenience.

LANGUAGE & DEFINITIONS

PRACTICAL DIFFICULTY: A situation in which a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district in which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the “minimum practical” standard or created by an owner subsequent to the amendment of this Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining Practical Difficulty.

PUBLIC PLACE: Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

PUBLIC SERVICE: Public service facilities within the context of this ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

PUBLIC UTILITY: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, transportation, or water.

PUBLIC UTILITY BUILDINGS: This term shall include telephone exchange buildings, transformer stations and substations, gas regulator stations and similar structures.

R

RECREATIONAL EQUIPMENT: Watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, dune buggies, tents and other similar equipment.

RECREATIONAL FACILITY: A public or private facility for athletic activities such as ice arenas, stadiums, indoor sports arenas, community recreation centers, indoor and outdoor swimming pools, and similar facilities.

RECREATIONAL VEHICLE: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and pop-up campers.

RECREATIONAL VEHICLE PARK (RV PARK): A facility for the overnight, short-term or seasonal, but not permanent or year-round parking of travel trailers, recreation vehicles or tents and which can include other recreational facilities.

RECYCLING CENTER: See Resource Recovery Facility.

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RELIGIOUS INSTITUTION: A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

RESEARCH AND DEVELOPMENT FACILITY: A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

RESIDENTIAL HUMAN CARE FACILITY: A facility providing:

1. Emergency shelter and services for battered individuals and their children in a residential structure;
2. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
3. Emergency shelter for individuals who are homeless.
4. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation

RESIDENTIAL STRUCTURE: Means any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by families or individuals.

RESORT: A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant.

RESOURCE RECOVERY FACILITY: Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

RESTAURANT: A building in which food or beverages are prepared and offered for sale in a ready to consume state, and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food. See also "Drive-Through" and "Drive-In Restaurant".

RESTAURANT, DRIVE-IN: An establishment where food, frozen desserts or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

LANGUAGE & DEFINITIONS

RETAIL AND RETAIL STORES: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

RIGHT-OF-WAY: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND: An accessory and temporary structure operated for the purpose of temporarily selling goods or products.

ROOMING HOUSE: A residential building where rooms or suites of rooms are rented, for compensation, by arrangement for definite periods, where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, tourist homes, two and multi-family dwellings or fraternity and sorority houses.

S

SCHOOL: A public or private educational institution for the purpose of elementary or secondary education, offering students an academic curriculum and which meets all of the requirements of the compulsory education laws of the State of Michigan. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

SCRAP YARD: An establishment where scrap metals are collected, processed, stored, and/or sold.

SEASONAL RESIDENCE: A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during the calendar year.

SEASONAL USE: Any use or activity that cannot be conducted or should not be conducted during each month of the year.

SEASONAL USE SALES: Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

SECONDARY DWELLING UNIT: An attached or detached dwelling unit accessory to a single-family residence, located in the principal residential structure or an accessory structure. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

SETBACK: The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

SEXUALLY ORIENTED BUSINESS: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio; (9) similar establishments.

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1. **ADULT ARCADE**: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
2. **ADULT BOOKSTORE OR ADULT VIDEO STORE**: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
 - a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

3. **ADULT CABARET**: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - a. Persons who appear in a state of nudity;
 - b. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 - d. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
4. **ADULT MOTEL**: A hotel, motel or similar commercial establishment that:
 - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or

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- Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
- b. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
5. **ADULT MOTION PICTURE THEATER**: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
6. **ADULT THEATER**: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
7. **NUDE MODEL STUDIO**: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
8. **NUDITY OR A STATE OF NUDITY**: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
- a. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 - b. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
 - c. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.
9. **SPECIFIED ANATOMICAL AREAS**: Means and includes any of the following:
- a. Less than completely and opaquely covered:
 - (1) Human genitals;
 - (2) Pubic region;

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- (3) Buttocks
- (4) Female breast below a point immediately above the top of the areola.

- b. Human male genitals in a discernible turgid state even if completely or opaquely covered.

10. **SPECIFIED SEXUAL ACTIVITIES**: Means and includes any of the following:

- a. Human genitals in a state of sexual arousal;
- b. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
- d. Excretory functions as part of or in connection with any of the activities set forth in a – c above.

SHOPPING CENTER: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

SIGN: A name, identification, announcement, declaration, billboard, description, display or illustration, letter, work, model, banner, streamer, flag, pennant, insignia, trade name, trademark, representation or device of any kind whatsoever, which is affixed to, or painted, or represented, directly or indirectly, upon a building structure or piece of land, and which attracts general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content, or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. "Sign" shall include any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag, and any similar device of any type or kind whether bearing lettering or not. Signs not exceeding one (1) square foot in area bearing only property numbers, mail box numbers or names of occupants of premises are excluded from this definition.

SIGN AREA:

1. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
2. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
3. With respect to two-sided, multi-sided, or three dimensional signs, the sign face area

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shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing:

- a. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.
- b. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

SIGN HEIGHT: The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

SIGN TYPES: The following definitions 1 through 29 are related to signs:

1. **ABANDONED SIGN:** A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
2. **A-FRAME SIGN:** Self-supporting temporary sign consisting of two panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property.
3. **ANIMATED OR MOVING SIGN:** A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
4. **AWNING SIGN:** A sign painted on, printed on, or attached flat against the surface of an awning.
5. **BANNER:** A sign made of natural or synthetic material used to call attention to a land use or product, service, or activity; however, not including pennants or flags.
6. **BUSINESS CENTER SIGN:** An on-premises sign which identifies a business complex or group of contiguous stores which may contain the names of the individual stores, businesses, institutions, or other organizations located within the complex or group.
7. **CANOPY SIGN:** A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.
8. **CONSTRUCTION SIGN:** A sign listing the names of the project, developers, contractors, engineers, and architects on the site being developed.
9. **ELECTRONIC MESSAGE BOARD:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

10. **FREESTANDING SIGN**: A pylon sign or monument sign.
11. **INFORMATIONAL SIGN**: A non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps, fuel pump information and similar features.
12. **INGRESS-EGRESS SIGN**: A directional sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.
13. **LIGHTED SIGN**: Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.
14. **MARQUEE SIGN**: Any sign attached to or supported by a marquee structure.
15. **MESSAGE BOARD, STATIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.
16. **MESSAGE BOARD, ELECTRONIC**: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
17. **MONUMENT SIGN**: Any sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood or other durable material.
18. **NAME PLATE**: A sign indicating the name and/or address of a building or the name of an occupant thereof and the nature of a permitted occupation therein.
19. **OFF-PREMISE ADVERTISING SIGN (BILLBOARD)**: A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.
20. **OFF-PREMISE ADVERTISING SIGN, DIGITAL (DIGITAL BILLBOARD)**: A billboard displaying static images controlled by electronic communications.
21. **OFF-PREMISE DIRECTIONAL SIGN**: A sign which provides directions to a commercial or industrial establishment which is not located on a primary street within the Township.
22. **POLITICAL SIGN**: A sign relating to the election of a person to public office or relating to a political party or to a matter to be voted upon at a general election called by a public body.
23. **PORTABLE SIGN**: Any sign not permanently attached to the ground or a building and is designed to be transported by trailer or wheels including such signs with wheels removed.

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24. **PROJECTING SIGN**: A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the building or structure.
25. **PYLON SIGN**: A sign which is an elevated sign supported by one (1) or more bearing columns.
26. **ROOF SIGN**: A display sign which is erected, constructed, and maintained above the roof of the building provided, however, that this definition shall not include signs attached to the vertical face of a mansard roof.
27. **SPINNING SIGN**: A self-supporting sign that spins to attract attention and display its message.
28. **TEMPORARY SIGN**: A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this ordinance.
29. **WALL SIGN**: A display sign which is painted on or attached directly to the building wall (including the vertical face of a mansard roof).
30. **WINDOW SIGN**: a sign affixed to a window or within three (3) feet of the window so as to be observable from the opposite side of the window to which such sign is affixed.

SINGLE OWNERSHIP: Ownership by a person or by two or more members of the same family of a lot.

SITE CONDITIONS: Shall mean or refer to height and area regulations, parking area regulations, screening, landscaping and all other items regulated by this Ordinance.

SITE CONDOMINIUM (CONDOMINIUM SUBDIVISION): A method of subdivision where the sale and ownership of sites is regulated by the Condominium Act (P.A. 59 of 1978, as amended MCL 559.101) as opposed to the Subdivision Control Act 288 of 1967 (MCL 560.101). Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning Ordinance.

SITE CONDOMINIUM SUBDIVISION PLAN: Means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

SITE PLAN: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

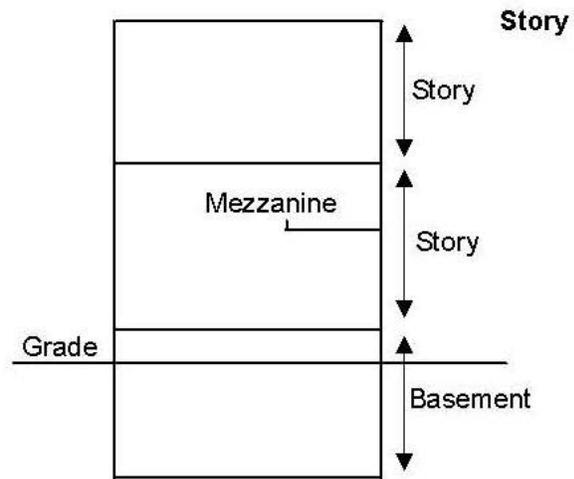
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SOLAR ENERGY STRUCTURES: A design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

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 rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

SPECIAL LAND USE: A use which is subject to approval by the Township Planning Commission. A Special Land Use may be granted when specified by this Ordinance.

A permitted Special Land Use is not considered to be a Nonconforming Use.



SPECIAL LAND USE PERMIT: A permit issued by the Township to a person or persons intending to undertake the operation of an activity upon land or within a structure which is classified in this Ordinance as a Special Land Use and which has been given approval by the Planning Commission.

STABLE: A building for housing domestic animals, other than dogs, cats or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

STABLE, PUBLIC: A building in which any horses are kept for hire or sale.

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being MCL 400.701 to 400.737, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being MCL 722.111 to 722.128, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

STORAGE: To leave or deposit in a place for preservation or disposal in one or more of the following ways:

1. **STORAGE-ACCESSORY:** Storage which is accessory to the principal use of the premises.
2. **STORAGE BUILDING:** A building in which storage is the principal activity.
3. **STORAGE FACILITY:** A building or property on which storage is carried out as the principal use of the property.

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STORY: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF: An uppermost story lying under a sloping roof the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it.

STORY, HEIGHT OF: The vertical distance from the top surface of one floor to the top surface of the next above.

STREET: A dedicated public right-of-way or private roadway, other than an alley, which affords the principal means of access to abutting property. Street includes such designations as road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace or any similar designation.

STREET, PRIVATE: Any street which is privately owned and has not been accepted for maintenance by a public street agency.

STREET, PUBLIC: Any street or portion of street which has been dedicated to and accepted for maintenance by a public street agency.

STREET RIGHT-OF-WAY LINE: The line which forms the outer limits of a street right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

STRIPPING: Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A structure may or may not be a building.

STRUCTURE, PRINCIPAL: A structure in which is conducted the principal use of the lot upon which it is situated.

SUBDIVISION: The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, plat or other instrument.

SWIMMING POOL: Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

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T

TELECOMMUNICATION TOWERS AND FACILITIES DEFINITIONS:

1. **ALTERNATIVE TOWER STRUCTURE:** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
2. **ANTENNA ARRAY:** An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
3. **ATTACHMENT STRUCTURE:** Attachment Structures include but are not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.
4. **CO-LOCATION/SITE SHARING:** Co-location/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder, or by one wireless license holder for more than one type of communication technology and/or placement of a Wireless Communication Facility on a structure owned or operated by a utility or other public entity.
5. **EQUIPMENT FACILITY:** An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.
6. **FTA:** Federal Telecommunications Act of 1996, as amended.
7. **HEIGHT:** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
8. **SETBACK:** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure and equipment shelter or cabinet where applicable.
9. **SUPPORT STRUCTURE:** A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self supporting (lattice) tower, and other similar structures. Any device (Attachment Device) which is used to attach an Attachment Structure shall be excluded from this definition.
10. **TEMPORARY WIRELESS COMMUNICATION FACILITY:** Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

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11. **WIRELESS COMMUNICATIONS:** Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

12. **WIRELESS COMMUNICATION FACILITY:** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).

TEMPORARY SOIL EROSION CONTROL MEASURES: Interim control measures which are installed or constructed for the control of soil erosion until permanent soil erosion control is affected.

TEMPORARY USE OR BUILDING: A use or structure permitted to exist for one hundred eighty (180) days or less.

THEATRE: An enclosed building used primarily for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

TOURIST HOME: Any dwelling used or designed in such a manner that certain rooms in excess of those used by family and occupied as a dwelling unit are rented to the transient public for compensation.

TOWNHOUSES: A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling on the ground floor. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

TRANSIT CENTER: A fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines and other services.

TRANSITION: For the purposes of this Ordinance, the word or term transition or transitional shall mean a zoning district which may serve as a district of transition; i.e., a buffer zone between various land use districts or land use types.

TRAVEL TRAILER: A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes. Truck-mounted campers are considered travel trailers for purposes of this ordinance.

TRUCK WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing large vehicles designed for hauling goods.

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U

UNAUTHORIZED ACTIVITY: Any use contrary to the provisions of this Ordinance.

UNNECESSARY HARDSHIP: A situation in which a property owner, due to conditions of a lot or parcel, cannot use the lot or parcel for any legal use allowed by this Ordinance in the zoning district in which the lot is located. Situations occurring due to the owner's desire to establish an alternate use when allowed use options are available or due to situations created by an owner subsequent to the amendment of this Ordinance is not an Unnecessary Hardship. The Zoning Board of Appeals is responsible for determining Unnecessary Hardship.

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

USE, ACCESSORY: A use which is clearly incidental and subordinate to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related.

USE, PRINCIPAL: The primary use to which the premises are devoted.

V

VARIANCE: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or unnecessary hardship.

VARIANCE, DIMENSIONAL: A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or development requirement/limitation.

VEHICLE: A conveyance that transports people or objects, operates by a motor, and requires a license to operate.

VEHICLE SALES - NEW: An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

VEHICLE SALES - USED: An authorized dealership for the sale of used vehicles with an office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

VETERINARY CLINIC: See Clinic, Veterinary.

VIDEO ARCADE: See Amusement Arcade.

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VOCATIONAL REHABILITATION SERVICES: Establishments primarily engaged in providing job counseling, job training, and work experience to the unemployed or underemployed persons, persons with disabilities, and persons who have a job market disadvantage because of lack of education, job skill, or experience.

W

WALL: A completely obscuring structure of definite height and location to serve as an obscuring screen.

WALL, OBSCURING: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

WAREHOUSE OR TRAFFIC TERMINAL: A building wherein goods, merchandise and materials are stored for subsequent sale, distribution or use other than on the site of said warehouse.

WATERS EDGE: A fluctuating line where the water and the land meet. May or may not be the ordinary high water line.

WATERFRONT SETBACK: The minimum required horizontal distance from the ordinary high water line of a waterfront lot within which no buildings or structures may be placed.

WETLAND: Wetlands are lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface (Cowardin, December 1979). Wetlands generally include swamps, marshes, bogs and similar areas.

WIND ENERGY DEFINITIONS:

1. **AMBIENT:** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
2. **ANEMOMETER:** A device used to measure wind speed.
3. **dB(A):** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. **DECIBEL:** The unit of measure used to express the magnitude of sound pressure and sound intensity.
5. **HUB HEIGHT:** The distance measured from the ground level to the center of the turbine hub.
6. **SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
7. **SMALL ON-SITE WIND ENERGY SYSTEMS:** A wind energy conversion system consisting

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- of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily replace or reduce on-site consumption of utility power.
8. **SOUND PRESSURE**: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
 9. **SOUND PRESSURE LEVEL**: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
 10. **WIND ENERGY FACILITY**: A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
 11. **WIND TURBINE GENERATOR**: A wind energy conversion system which converts wind energy into power. May include a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
 - a. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 - b. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - c. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
 12. **WIND TURBINE (HORIZONTAL AXIS)**: A wind energy system in which the rotor(s) rotate around a horizontal shaft.
 13. **WIND TURBINE (VERTICAL AXIS)**: A wind energy system in which the rotor rotates around a vertical shaft.
 14. **WIND TURBINE GENERATOR TOTAL HEIGHT**:
 - a. **HORIZONTAL AXIS WIND TURBINE ROTORS**: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
 - b. **VERTICAL AXIS WIND TURBINE**: The distance between the ground and the highest point of the wind turbine generator.

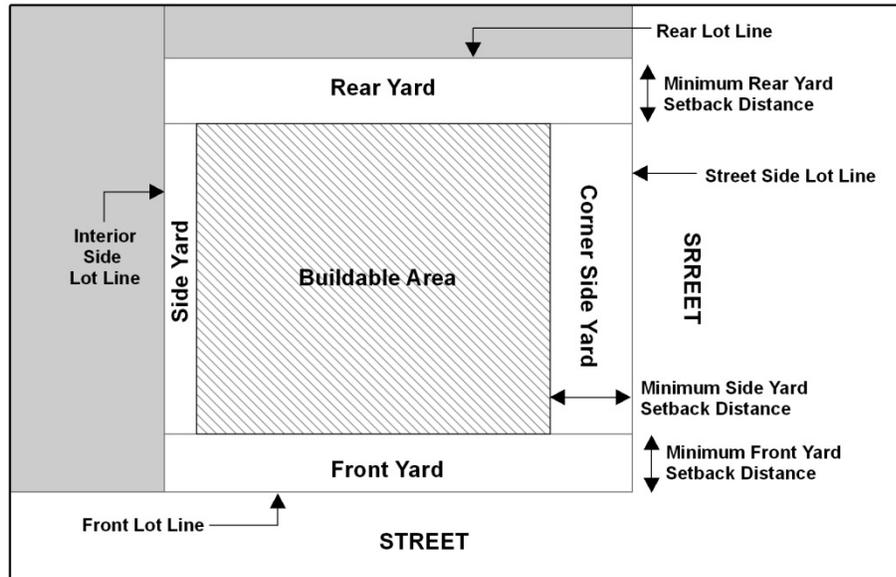
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Y

YARD: An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied and unobstructed from the ground upward, except for projections, such as porches and steps, and specific accessory uses or structures allowed in such open space under the provisions of this Ordinance. Yards are further defined herein:

1. **FRONT YARD**: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
2. **REAR YARD**: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard is opposite from the front lot line.
3. **SIDE YARD**: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
4. **WATERFRONT YARD**: A yard, any part of which abuts on a lake, stream or any other natural or artificial watercourse.
5. **CORNER SIDE YARD**: An open space between a main building and the street side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the street side lot line to the nearest point of the main building.

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Z

ZERO LOT LINE: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

ZONING ADMINISTRATOR: The person retained by the Township to administer and enforce this Zoning Ordinance.

ZONING APPEAL: An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

ZONING BOARD OF APPEALS: See Board of Appeals.

ZONING DISTRICT: A portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

ZONING PERMIT: A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.