

ARTICLE 20 DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include words "intended", "designed", or "arranged to be used or occupied"; the word "building" includes the word "structure", and the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel".

Terms not herein defined shall have the meaning customarily assigned to them.

ACCESSORY BUILDING: A subordinate building or structure on the same lot with the main building, or part of the main building, exclusively occupied by, or devoted to an accessory use.

ACCESSORY USE: A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.

ACT: Act. No. 96 of the Public Acts of 1987, as amended being R 125.2301 et seq. of the Michigan Compiled Laws Annotated (MCLA).

AGRICULTURE: Any land or building used for pasturage, floriculture, dairying, horticulture, viticulture and livestock and poultry husbandry.

ALLEY: Is any dedicated public way affording a secondary means to access to abutting property, and not intended for general traffic circulation.

ALTERATIONS: Is any change, addition, or modification in construction or type of occupancy, any changes 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".

ANIMATED SIGNS: Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign; provided, however, that a slow rotation of a sign shall not be considered animation.

APARTMENTS: The dwelling units in a multiple dwelling as defined herein:

A. Efficiency Apartment: Is a dwelling unit of not less than two hundred and fifty (250) nor more than three hundred (300) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities and for the purpose of computing density shall be considered as a one (1) room unit.

- B. One Bedroom unit: Is a dwelling unit containing a minimum floor area of at least four hundred and fifty (450) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.
- C. Two Bedroom Unit: Is a dwelling unit containing a minimum floor area of at least six hundred (600) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities.
- D. Three or More Bedroom Unit: Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of one hundred and fifty (150) square feet to the minimum floor area of six hundred (600) square feet.

APPENDAGE SIGN: (See SECTION 13.26(2) DEFINITIONS)

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

AUTOMOBILE REPAIR: Is the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as body, frame, or fender straightening and repair; over-all painting and undercoating automobiles.

AUTOMOBILE OR TRAILER SALES: Any space used for display, sale or rental of motor vehicles or trailers, in new or used and operable condition.

AUTOMOBILE SERVICE STATION: A building or structure designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, muffler installation where the primary use of the premises is such, or high speed washing thereof.

AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

AREA, NET SITE: The total area within the property lines of project excluding external streets.

AREA, BUILDING: The total of areas taken on a horizontal plan at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

BANNER SIGN: (See SECTION 13.26(2) DEFINITIONS)

BASEMENT: Is 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.

BED AND BREAKFAST FACILITY: A private residence that is also the innkeeper's residence; has sleeping accommodations meant for lodgers; and serves breakfast at no extra charge to the lodgers. A lodger is defined as a person who rents a room in a bed and breakfast.

Amended 03/05/93 Effective 03/10/93

BENEFIT, RECOGNIZABLE AND SUBSTANTIAL: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and use(s); including, without limitation: Long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features or a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity or a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

Effective 6/26/89

BILLBOARD: Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices. (See SECTION 13.26(2) DEFINITIONS)

BLOCK: Is the property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

BUILDABLE AREA: The buildable area of a lot is the space remaining after the minimum open space requirements of the Ordinance have been complied with.

BUILDING: A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels, is a building. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING FRONTAGE: (See SECTION 13.26(2) DEFINITIONS)

BUILDING HEIGHT: Is 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; and the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall.

BUILDING INSPECTOR: In the absence of a Township Building Inspector this shall refer to the County Building Inspector.

BUILDING LINE: (See attached diagrams) Is a line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

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

BULLETIN BOARD: (See SECTION 13.26(2) DEFINITIONS)

CAMPGROUNDS: A place for temporary accommodation of tents, camping trailers, or camping vehicles primarily for recreational purposes.

CANOPY: (See SECTION 13.26(2) DEFINITIONS)

CELLAR: See basement.

CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLINIC: Is a structure housing under one roof facilities for the medical and dental care, diagnosis and treatment of sick, ailing, infirm and injured persons, and those who are in need of medical, dental or surgical attention, but who are not provided with board or room or kept overnight on the premises.

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

COMMISSION: The Michigan Manufactured Housing Commission.

COMMON DRIVEWAY: A private way for passage established in accordance with SECTION 13.41 of this Zoning Ordinance.

COMMUNITY IMPACT STATEMENT: An assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environment and physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the Community Impact Statement. Effective 6/26/89.

CONDITIONAL USE: A use which is subject to the conditional approval of the Township Board. A conditional use may be allowed only when there is a specific provision in the

Ordinance. A conditional use is not considered to be a non-conforming use.

CONSTRUCTION SIGN: (See SECTION 13.26(2) DEFINITIONS)

CONVALESCENT OR NURSING HOME: A convalescent home or nursing home of rest for those suffering bodily disorders, wherein three (3) or more persons are cared for. Said home shall conform and qualify for license under State Law even though State Law has different size regulations.

CONSTRUCTION: Is the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved and provided, however, that not more than twelve (12) months have elapsed since the permit was issued for such construction.

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front; where no curb has been established the County Engineer shall establish such curb level or its equivalent for the purpose of the Ordinance.

DENSITY: The number of families residing on, or dwelling units developed on, an acre of land. As used in this Ordinance, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, school yards, or other public lands and open spaces.

DEPARTMENT: The State of Michigan Department of Consumer and Industry Services.

DEVELOPER: The developer of a new manufactured home development, or the owner of an existing development who is expanding the development.

DIRECTIONAL SIGN: (See SECTION 13.26(2) DEFINITIONS)

DRIVE-IN: Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, regardless of whether self-service is involved, rather than within a building or structure.

DWELLING UNIT: Is a building or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

DWELLING UNIT, MANUFACTURED: A building or portion of a building designed for long-term residential use and characterized by the following:
The structure is produced in a factory in accordance with the National Manufactured Housing

Construction and Safety Standards Act, as amended; is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

DWELLING UNIT, MOBILE HOME: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Zoning Ordinance. A mobile home is a type of manufactured housing.

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 precut 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, ONE-FAMILY: Is a building designed exclusively for and occupied exclusively by one (1) family.

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

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

ELECTRONIC MESSAGE BOARD: (See SECTION 13.26(2) DEFINITIONS)

ERECTED: Includes built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which is required for construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES: The phrase "essential services" means the erection, construction, alteration, or maintenance of public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers and poles for the support of electrical or communication cable, sewers, pipes, drains, wires, mains, conduits, fire alarm boxes, traffic signals, hydrants and other similar equipment, and accessories in connection therewith which are necessary for the furnishing of adequate service by public utilities and municipal departments. The term "Essential Services" does not include office buildings, substations, maintenance depots, towers containing microwave or intra-company communication systems, or structures which are enclosures or shelters for service equipment.

Amended 10/17/91 Effective 10/30/91

EXCAVATION: Is any breaking of ground, except AR including common household gardening and ground care.

FAMILY: Is one (1) or two (2) persons or parents, with their direct lineal descendants or adopted children (and including the domestic employees thereof) together with not more than two (2) persons not so related; living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two (2) or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

FAMILY DAY CARE HOME: A private home in which one (1) but fewer than seven (7) minor children received care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Adopted: 9/6/2007 Effective: 9/19/2007

FARM: All of the contiguous neighboring or associated land operated as a single unit in which farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees provided, however, that land to be a farm hereunder shall include a continuous parcel of ten (10) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, poultry farms and apiaries; but stone quarries or gravel or sand pits shall not be considered farms hereunder.

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

FENCE: Is a structure of definite height and location to serve as an enclosure in carrying out the requirements of this Ordinance.

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

FILLING: Is the depositing or dumping of any matter onto, or into the ground, except common household gardening land ground care.

FILLING STATIONS: Any building or premises used for the dispensation, sale, or offering for sale of retail of any motor fuels, oils, or lubricants. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

FLAG: (See SECTION 13.26(2) DEFINITIONS)

FLAG LOT: A Flag Lot is a parcel of land in the AR District not fronting or abutting a public or private road and where access to the public or private road is by a private right-of-way of at least 66 (sixty-six) feet wide.

Amended: 11/04/93 Effective: Immediately

FLASHING SIGN: (See SECTION 13.26(2) DEFINITIONS)

FLOOR AREA: For the purposes of computing, is 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. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA RATIO: Is a volume control wherein a building ratio of 1.0 means that the floor area may equal the lot area. An F.A.R. of 5.0 means the floor area may be up to five (5) times as large as the lot area; and an F.A.R. of 0.5 means that the floor area shall be no more than one-half (1/2) of the lot area.

FLOOR AREA, USABLE: (For the purposes of computing parking) Is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation of "usable floor area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display or merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces. (See attached diagrams.)

FREE STANDING SIGN: (See SECTION 13.26(2) DEFINITIONS)

GARAGE PARKING: A structure or series of structures for the temporary storage or parking of motor vehicles, having no public shop or service in connection therewith, other than for the supplying of motor fuels and lubricants, air, water, and other operating commodities to the patrons of the garage only.

GARAGE, COMMERCIAL: Any premises except those described as a private, community or storage garage, available to the public, used principally for the storage of automobiles or motor driven vehicles, for remuneration, hire, or sale, where any such vehicle or engine may also be equipped for operation, repaired, rebuilt or reconstructed, and where vehicles may be greased, washed or serviced.

GARAGE, COMMUNITY: A garage used for the storage of vehicles of residents of dwelling units on the same or adjacent block or blocks, and providing only incidental services to such vehicles as are stored therein.

GARAGE PRIVATE: A building used primarily for the storage of motor vehicles for use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor vehicles.

GRADE: The complete surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto. (See SECTION 13.26(2) DEFINITIONS)

GREENBELT: Is a strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

GROUP DAY CARE HOME: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Adopted: 9/6/2007 Effective: 9/19/2007

GROUP HOUSING: A residential development involving the ultimate construction of a group of multiple-family dwellings on a lot, parcel or tract of land, or on a combination of lots under one ownership.

HANDICAPPED SIGN: (See SECTION 13.26(2) DEFINITIONS)

HOME OCCUPATION: Any use customarily conducted entirely within the dwelling and carried on by the inhabitant thereof, including giving instruction in a craft or fine art within the residence, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided, however, that no article or service is sold or offered for sale on the premises, except that such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary to residential areas. Clinics, hospitals, tea rooms, tourist homes, animal hospitals, kennels, millinery shops, among others, shall not be deemed home occupations.

Adopted: 9/6/2007 Effective: 9/19/2007

HOTEL: A building occupied as the temporary abiding place of individuals who are lodged with or without means in which there are more than ten (10) sleeping rooms usually occupied singly, with no provisions made for cooking in any individual room or apartment.

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

ILLUMINATED SIGN: (See SECTION 13.26(2) DEFINITIONS)

INSTITUTIONAL SIGN: (See SECTION 13.26(2) DEFINITIONS)

INTERIOR SIGN: (See SECTION 13.26(2) DEFINITIONS)

JUNK: For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK YARD: Any land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used clothing, used furniture and household equipment, used cars in operable conditions, used or salvaged materials as part of manufacturing operations.

KENNEL, NONCOMMERCIAL: More than three (3) dogs but less than six (6) dogs over six (6) months of age, housed on one lot and owned by the residents thereof shall be deemed to be a noncommercial kennel, provided that the dogs are not used for any commercial purpose except occasional breeding.

KENNEL, COMMERCIAL: More than three (3) dogs over six (6) months of age used on one lot, whether owned or boarded, when intended to produce income other than from occasional breeding, or six (6) or more dogs over six (6) months of age housed on one lot for any purpose, shall be deemed to be a commercial kennel.

LAND USE PERMIT: A permit for proceeding with excavation, construction, alteration or moving, of any real property issued in accordance with a plan that complies with all of the provisions of this Ordinance.

LITTER: Waste material, garbage, or junk.

LIVESTOCK: Domestic animals such as cattle, horses, and sheep.

LOADING SPACE: Is 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.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces required by this Ordinance.

LOT OF RECORD: Is a parcel of land, the dimensions of which are shown on a recorded plat on file with the county Register of Deeds at the time of adoption of this Ordinance or in common use by Municipal or County officials and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT AREA: Is the total horizontal area within the lot lines of the lot. (See attached diagram.)

LOT CORNER: A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two chords of which form an angle of one hundred thirty-five degrees (135) or less. The point of intersection of the street lot lines is the "corner". In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

LOT, DOUBLE FRONTAGE: An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a Land Use Permit. If there are existing structures in the same block fronting one or both of the streets the required front yard setback shall be observed on those streets where such structures presently front.

LOT, INTERIOR: A lot other than a corner lot. Any portion of a corner lot more than one hundred twenty (120) feet from the "corner" measured along a front street lot line, shall be considered an interior lot.

LOT COVERAGE: The part or percent of the lot occupied by building or structures, including accessory buildings or structures. (See attached diagrams.)

LOT DEPTH: The main horizontal distance from the front street line to the rear lot line.

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

- A. Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from that street which is designated as the front street in the plat and in the application for a Land Use Permit.
- B. Rear Lot Line: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- C. Side Lot Line: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT WIDTH: Is the horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback intersects the side lot lines.

MAIN BUILDING: Is a building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

MAIN THOROUGHFARE: Is an arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of one hundred twenty (120) feet shall be considered a major thoroughfare.

MANUFACTURED HOUSING UNIT (MOBILE HOME): A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach, or travel trailers.

MANUFACTURED HOUSING SUBDIVISION: Individually-owned lots subdivided according to the provisions of Act 288 of the Public Acts of Michigan of 1967, as amended, intended as a site for the placement for dwelling purposes of manufactured, mobile, modular or pre-manufactured homes.

MANUFACTURED HOUSING PARK (MOBILE HOME PARK): A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual 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 incidental to the occupancy of a manufactured or mobile home, subject to conditions set forth in the Michigan Manufactured Housing Commission Rules and Michigan Public Act 96 of 1987, as amended.

MANUFACTURED HOUSING UNIT SITE (MOBILE HOME SITE): An area within a manufactured or mobile home park which is designated for the exclusive use of a specific mobile home.

MARQUEE: (See SECTION 13.26(2) DEFINITIONS)

MARQUEE SIGN: (See SECTION 13.26(2) DEFINITIONS)

MASTER PLAN: Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

MAXIMUM SIGN HEIGHT: (See SECTION 13.26(2) DEFINITIONS)

MDEQ: The Michigan Department of Environmental Quality.

MDEQ STANDARDS: The Michigan Department of Environmental Quality Bureau of Environmental and Occupational Health Standards for manufactured home communities, being R 325.3311 et seq. of the Michigan Administrative Code (MAC).

MEZZANINE: Is an intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

MINIMUM SIGN HEIGHT: (See SECTION 13.26(2) DEFINITIONS)

MOBILE HOME: Any vehicle designed or constructed to permit conveyance upon the public streets or highways and so constructed as to permit its occupancy as a dwelling or sleeping place for one or more persons, and having no foundations other than wheels, jacks, or skirting, so arranged as to be integral with, or portable by, said vehicle.

MOBILE HOME PARK: Any premises designed to be occupied by more than one mobile home or house trailer to serve for dwelling or sleeping purposes of families.

MODULAR HOME: A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.

MOTEL: Is a series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicles.

MOTOR VEHICLES: A vehicle, especially one for passengers, carrying its own power source for use on ordinary roads.

MOVING SIGN: (See SECTION 13.26(2) DEFINITIONS)

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplain, water bodies, topography, vegetative cover, and geologic formations.
Effective 06/26/89

NON-CONFORMING BUILDING OR STRUCTURE: Any lawful building or other structure which does not comply with applicable bulk regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto. (See attached diagram.)

NON-CONFORMING USE: Any lawful use, whether of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.

NURSING OR CONVALESCENT HOME: Is a structure with sleeping rooms where persons are housed or lodged and furnished with means and nursing care for hire.

NURSERY, PLANT MATERIAL: Is 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, vegetable or Christmas trees.

OPEN SPACE: An unoccupied space open to the sky on the same lot with a building.

OCCUPATIONAL SIGN: (See SECTION 13.26(2) DEFINITIONS)

OCCUPIED: The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

OFF-PREMISES DIRECTIONAL SIGN: (See SECTION 13.26(2) DEFINITIONS)

PLAZA: Is an open area accessible to the public which is either:

- A. An open area along the front lot line not less than five (5) feet deep, measured perpendicular to the front lot line, or
- B. An open area on a through lot, extending from street to street and not less than forty (40) feet wide. Such plaza shall not at any point be more than five (5) feet above the curb level of the nearest adjoining street, and shall be unobstructed from its lowest level up, except as approved, for covered pedestrian walks by the Planning Commission.

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

PORCH, OPEN: A covered entrance to a building or structure which is enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORTABLE SIGN: (See SECTION 13.26(2) DEFINITIONS)

PREMISES: (See SECTION 13.26(2) DEFINITIONS)

PRIVATE ROAD: A road established in accordance with Section 13.40 of this Zoning Ordinance.

PRIVATE ROAD DEVELOPMENT: A division of land, other than subdivisions as defined by the Subdivision Control Act of 1967, resulting in one (1) or more parcels having a lot width of less than one hundred twenty (120) feet as frontage on a public street.

PROJECTING SIGN: (See SECTION 13.26(2) DEFINITIONS)

PUBLIC PARK: Any park, playground, beach, outdoor swimming pool, parkway, within the jurisdiction and control of a governmental agency authorized by State Statutes to own and maintain parks.

PUBLIC ROAD: A road dedicated to the public and accepted by a governmental agency authorized to construct, operate, and maintain roads.

PUBLIC UTILITY: Any persons, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

PUBLIC SEWER SYSTEM: A public sewer system shall be defined as central or community sewage system of pipes and structures including pipes, channels, conduits, manholes, pumping stations, sewage and waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transportation, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operation and maintained by the general public, residential district or area, firm or corporation.

RECOGNIZABLE AND SUBSTANTIAL BENEFIT: (See Benefit, Recognizable and Substantial.)

RESIDENTIAL UNIT: Is an area indicated as part of the Master Plan which has centrally located neighborhood facilities, which is bordered by major physical barriers and which is designed so that through traffic within the residential unit is discouraged.

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

ROAD FRONTAGE: The straight line distance between the points where each of two (2) property lines intersect a public or private road right-of-way.

ROADSIDE STANDS: A roadside stand is a temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district and which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity.

SEPARATE OWNERSHIP: Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by partnership, corporation or other group. Provided, that the owner of a number of contiguous lots of record may have as many said contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects and in such case the outside perimeter of said group of lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

SETBACK: The minimum horizontal distance between the front of the building, excluding steps and unenclosed porches, and the front street or private road right-of-way line. When the front street is included on the "Inter-county Highway Plan and Right-of-Way Requirements" as adopted by Oceola Township, the proposed future right-of-way line shall be used in determining setback instead of current right-of-way line.

SIGN, ACCESSORY: Is a sign which is accessory to the principal use of the premises. (See SECTION 13.26(2) DEFINITIONS)

SIGN AREA: (See SECTION 13.26(2) DEFINITIONS)

SIGN ERECTOR: (See SECTION 13.26(2) DEFINITIONS)

SIGN, NON-ACCESSORY: Is a sign which is not accessory to the principal use of the premises.(See SECTION 13.26(2) DEFINITIONS)

SIGN, OUTDOOR ADVERTISING: Any card, cloth, paper, plastic, metal, painted glass, wood, plaster, stone or other object of any kind of character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, construction, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever to the public.

SIGN, ROOF: (See SECTION 13.26(2) DEFINITIONS)

SOIL REMOVAL: Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STATE EQUALIZED VALUATION: The value of the Township assessment roll as equalized through the process of State and County equalization.

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, PA 218 of 1979 or PA 116 of 1973, and provides residential services for six (6) or fewer persons under twenty-four (24) hour supervision or care.
Adopted: 9/6/2007 Effective: 9/19/2007

STORAGE STRUCTURE: Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground; for which the primary use of said structure is for storage purposes, and when it is the primary building (see building definition, ARTICLE 20) on the parcel or lot.

STORY: Is 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. A story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground.

STORY, HALF: Is an uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story directly below, and the height above at least two hundred (200) square feet of floor space is seven feet six inches (7'6").

STREET: A thoroughfare which affords a principal means of access to abutting property and which has been accepted as a public street.

STRUCTURE: Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

SUBDIVISION/DEVELOPMENT SIGN: (See SECTION 13.26(2) DEFINITIONS)

SWIMMING POOL, PRIVATE: Is a swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household

and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

SWIMMING POOL CLUB, PRIVATE (NON-PROFIT): Is a private club incorporated as a non-profit club or organization, maintaining and operating a swimming pool, with specified limitations upon the number of members, or limited to residents of a block, subdivision, neighborhood, community, or other specified area of residence, for the exclusive use of members and their guests.

TEMPORARY SIGN: (See SECTION 13.26(2) DEFINITIONS)

TEMPORARY USE OF BUILDING: Is a use of building permitted to exist during periods of construction of the main building or use, or for special events.

TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

TOWNSHIP BOARD: The words "Township Board" shall mean the Ocala Township Board.

TRAILER CAMP: (See CAMPGROUNDS)

TRAILER PARK: (See MOBILE HOME)

UNDERLYING ZONING: The zoning classification and regulations applicable to the property immediately preceding the grant of an application to designate the property planned unit development. Effective 6/26/89

USE: Is 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.

VETERINARY CLINIC: Is a place where animals are given medical or surgical treatment, which use as a kennel limited to short time boarding which is incidental to the medical use; all within an enclosed building.

WALL: (See FENCE, OBSCURING)

WIRELESS COMMUNICATION FACILITY: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. (Facilities for citizen band radio, short wave radio, ham and amateur radio, television reception antennae, satellite dishes, and government which are subject to state and federal law **are excluded**.) In addition, wireless communication facilities are specifically **excluded** from the

definitions of "**essential services**" and "**public utilities**".

Effective 07/26/00

WIRELESS COMMUNICATION SUPPORT STRUCTURE:

Any structure used to support attached wireless communication facilities, or other antennae or facilities, including support lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, or purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, P.A. 218 of 1979 or P.A. 116 of 1973, and provides residential services for six (6) or fewer persons under twenty-four (24) hour supervision or care.

Adopted 9/6/2007 Effective 9/19/2007

YARDS: Are the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upwards except as otherwise provided in this Ordinance, and as defined herein:

- A. Front Yard: Is 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 line of the main building.
- B. Rear Yard: Is 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 line of the main building.
- C. Side Yard: Is an open space between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the sideline to the nearest point of the main buildings. (See diagram)

ZONING BOARD OF APPEALS: The words "Zoning Board of Appeals," shall mean the Zoning Board of Appeals for the Township of Ocoola.

Adopted: 9/6/2007 Effective: 9/19/2007

ZONING EXCEPTIONS AND VARIANCES:

- A. Exception: Is an use permitted only after review of an application by the Board of Appeals or Commissions, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review as required by the Ordinance.
- B. Variance: Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The "exception" differs from the "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Ordinance appear as "special approval" or review by Planning Commission, Legislative Body, or Board or Appeals. These land uses could not be conveniently allocated to one or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

1. They require large areas.
2. They are infrequent.
3. They sometimes create an unusual amount of traffic.
4. They are sometimes obnoxious or hazardous.
5. They are required for public safety and convenience.

ZONING VARIANCE:

Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause peculiar or exceptional practical difficulties to the owner of such property owing to circumstances unique to the individual property on which the variance was granted.

Adopted: 9/6/2007 Effective: 9/19/2007