

**ARTICLE 2**  
**DEFINITIONS**

**ZO-2.00.00 DEFINITIONS**

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Any word not herein defined shall be construed as in the State Construction Code of 1972 (1972 PA 230; Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq. and the Michigan Planning Enabling Act, P.A. 33 of 2008, MCL 125.3801, et. seq. and the amendments thereto. Other terms, phrases, and words not herein defined shall have the meaning customarily assigned to them by general usage in the English language. (amd Ord 12-1)

**Abutting**

A lot or parcel, which shares a common border with another lot, parcel or right of way.

**Accessory Structure**

A structure erected on the same lot or site as the principal use building and intended to serve a purpose incidental to the principal use building, including but not limited to buildings, swimming pools, tennis courts, towers, driveways, parking areas, underground tanks, fences and satellite antennae.

**Accessory Use or Accessory Building**

A subordinate use or building customarily incident to and located on the same lot with the main use or building.

**Adjacent (lot or parcel)**

A lot or parcel, which abuts or is directly across a public street or private easement from another lot or parcel.

**Alley**

Any public space or thoroughfare twenty (20) feet or less in width, but not less than ten (10) feet in width, which has been dedicated or deeded to the public use and which affords secondary access to abutting property.

**Alteration**

A change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**Apartment**

A dwelling unit within a building containing three (3) or more dwelling units.

**Apartment House**

A multi-family dwelling for three or more families, living independently of each other as separate housekeeping units, with separate access and egress, and doing their cooking upon the premises.

## Area, Building

The aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than 3 feet, steps, one-story open porches, bay windows, not extending through more than one story and not projecting more than 2 feet, balconies and terraces.

## Basement

A portion of a building which is partly or wholly below grade so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over 5 feet, such basement shall be rated as a first story.

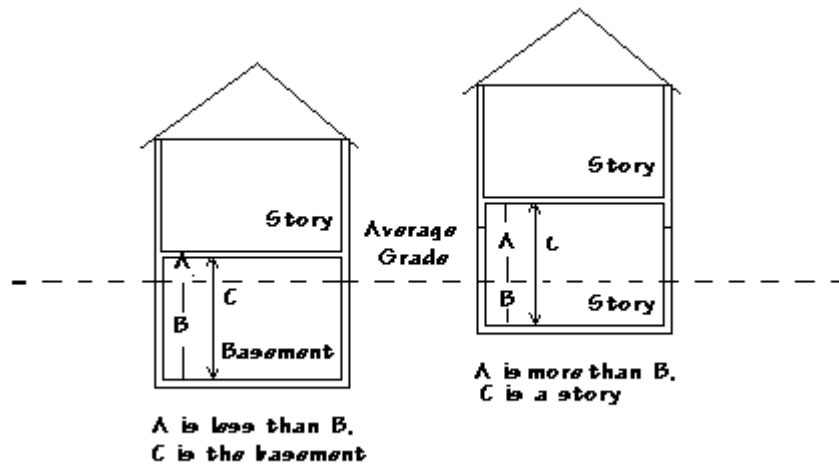


Figure 1

## Building

A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, mobile homes, trailers, and other roofed structures on wheels or other supports, used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purposes of this definition "roof" shall include an awning or other similar covering, whether or not permanent in nature.

**Building Height** See "Height, Building"

## Building Line

The vertical plane beyond which no building or other structure or portion thereof may be erected, for setback purposes.

## Cesspool

A cavity in the ground that receives waste to be partially absorbed directly or indirectly by the surrounding soil.

**Conditional Use** See "Special Land Use"

**Detention Facility**

Any prison penitentiary, reformatory, house of correction, jail community residential center, institution, halfway house, regional correction/detention facility, treatment center, group home, training center, training center or camp, etc. operated or leased by the Department of Corrections or Department of Social Services or constructed and maintained under Act 274 of 1979 or other halfway houses, probationary camps, farms, shops, places of employment operated by or under the supervision of the Department of Corrections providing services to adult or juvenile criminal offenders. (See also Juvenile Detention/Correction Facility.)

**District**

A portion of the unincorporated part of the Township within which certain regulations and requirements apply under the provision of this ordinance.

**Dwelling**

A building designed or used as the living quarters for one or more persons.

**Dwelling House**

A building designed for and occupied exclusively as the residence of not more than two families each living as an independent housekeeping unit.

**Dwelling Unit**

One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and dining.

**Dwelling Multi-Family**

A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities.

**Erected**

Any physical operations on the premises required for the construction or placement and includes construction, building, reconstruction, alteration, excavation, fill, drainage, installation of utilities, etc.

**Essential Service**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities for municipal departments or commissions or for the public health, safety or general welfare.

**Family**

A single person, doing his/her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond.

**Fence**

A partition, structure, or gate erected as a dividing marker, barrier, or enclosure.

**Flea Market**

An enclosed shop or open market wherein two or more vendors sell new or used goods, antiques, curios, art objects, collectibles, or other merchandise.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other inland water, proximately caused by severe storms, hurricanes, tornadoes, or heavy rains.

**Floor Area, Gross**

The "gross floor area" shall be the sum of the horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls of enclosed porches.

**Frontage**

That portion of a parcel of property, which is contiguous with a public thoroughfare which has been deeded, dedicated or otherwise conveyed to and accepted by the governmental entity responsible for its maintenance.

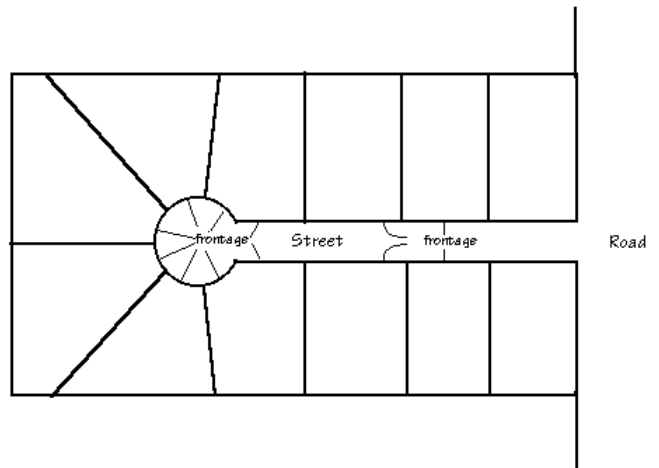


Fig.2 Frontage

**Garage Private**

A building or part thereof accessory to a main building and providing for the storage of motor vehicles and in which no occupation or business for profit is carried on.

**Garage Public or Storage**

A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

**Garage Sale or Yard Sale**

A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

**Gasoline Service Station**

A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles together with the sale of minor accessories and the servicing of and minor repair of motor vehicles. A special land use permit is required.

**Grade**

The highest ground elevation in contact with any portion of the basement or foundation of a dwelling. (See Fig 1)

**Height, Building**

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the building.

**Home Occupation**

An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

**Hotel**

A building with general kitchen and dining facilities and containing rooms intended or designed to be used, rented or hired out to be occupied for sleeping purposes by guests.

**Industry**

The production, manufacture or fabrication of products with the intention of profit. The term also includes the ancillary repair, modification or alteration of products. The raising of farm products is exempted.

**Junk**

Articles that have outlived their intended usefulness in their original form and are commonly discarded or gathered up to be converted into another product, either of the same or different kind.

**Junkyard**

An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, shredded or handled, including, but not limited to, scrap iron and other metals, paper, rages, tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of unreasonable accumulation for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Juvenile Correctional/Detention Facility**

Any institution, halfway house, regional detention facility, treatment center, group home, farm, training center or camp wherein one or more juvenile offenders is detained by court order as the result of a determination of delinquency or under the supervision of the Department of Social Services by court order because of a determination of delinquency.

**Kennel Commercial**

Any lot or premises on which three (3) or more dogs or cats are either permanently or temporarily boarded.

**Land Leased Community**

An area licensed by the State of Michigan for the placement of more than two (2) manufactured homes on property owned by an entity other than the tenant.

**Loading Space**

An off-street space on the same lot with a building, or contiguous to a group of buildings for loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**Lot**

A parcel of land capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

**Lot, Corner**

A lot at the point of intersection of, and abutting on, two or more streets.

**Manufactured, Factory Built or Portable Home**

As used herein the term "manufactured home" shall mean a moveable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single family dwelling. Provided, however, that the term "mobile home" shall not include motor homes, campers, recreation vehicles (whether licensed or not as motor homes) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

**Mobile Home** See Manufactured Home

**Mobile Home Park** See Land Leased Community

**Motor Vehicle Repair Garage**

A place where the following activities may be carried on: vehicle body repair, engine rebuilding or repair, undercoating, painting, upholstery work, welding and auto glass work, etc.

**Motel**

A series of attached, semi-detached, or detached rental units containing bedroom and toilet facilities for temporary lodging for compensation.

**Non-Conforming Building**

A building or portion thereof existing at the effective date of this ordinance, or amendments thereto, that does not conform to the use provisions of the ordinance.

**Non-Conforming Land Use**

A use of land existing at the time of the enactment of this ordinance, which does not conform to the regulation of the district in which it is located.

**Nuisance**

Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

**Occupied**

Includes the use of a building or land for the purpose for which it was designed, arranged or intended.

**Off-Street Parking Lot**

A facility providing spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of motor vehicles.

**Parking Space**

An area of not less than 200 square feet, net, exclusive of access or maneuvering area, or ramps, columns, etc., to be used exclusively as a temporary storage space for one private motor vehicle. Loading and unloading space shall not be included in such area.

**Playground**

A parcel of land set aside for recreational purposes.

**Pond**

A natural or man-made body of water without an encircling fabricated retainer.

**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**

Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

**Razing**

To destroy, demolish, level to ground, etc.

**Residential Structure**

Any building, including a manufactured home occupied, intended to be occupied or constructed to be occupied as a dwelling unit for humans.

### Rooming House

Any dwelling in which more than two persons either individually or as families are housed or lodged for hire, with or without meals. A boarding house or furnished rooming house shall be deemed a "rooming house".

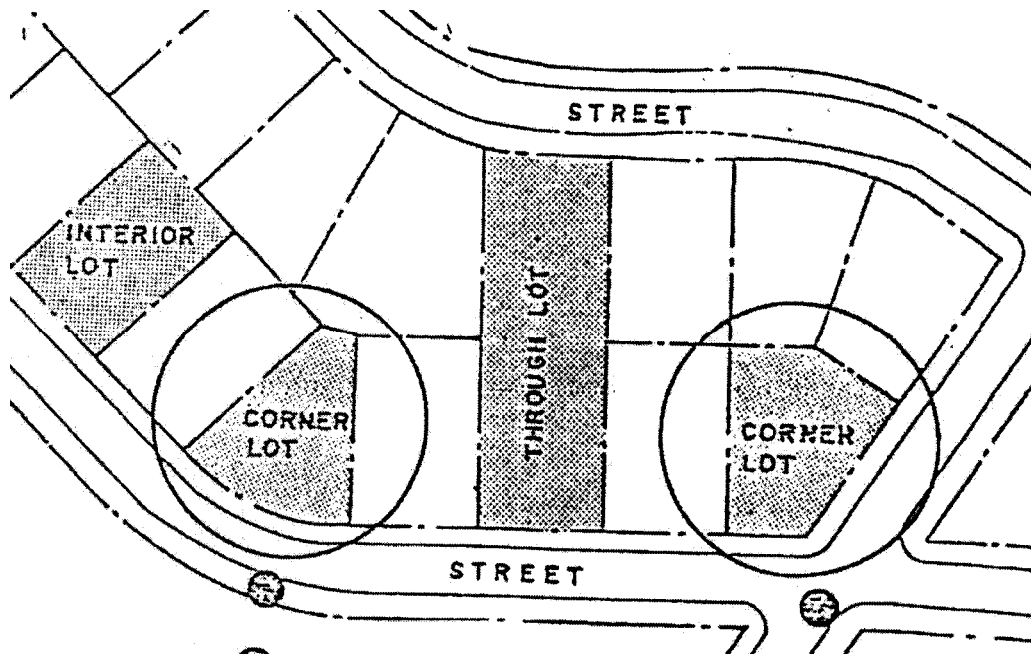
### Seepage Pit

A dry well, leaching pit, or any other cavity in the ground, which receives the liquid discharge of a septic tank.

### Septage Waste

Any human excrement, other domestic and restaurant waste, or other material or substance removed from a portable toilet, septic tank, seepage pit, cesspool, sewage lift station or other enclosure as determined by the DNR Director under Section 19 of 181 PA 1986, but does not include liquid industrial waste regulated under the authority of 136 PA 1969.

### Setback



### Signs

Every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign. Signboards, billboards, etc. displaying more than 32 square feet shall be considered as accessory structures.



## **Special Land Use**

- A) A Special Land Use (also known as "conditional use" or "special approval use") is a use permitted only after application to, and review by, the Planning Commission; review being necessary because the provisions of this ordinance cannot be made precise enough to all applications. The special land uses are conditionally issued by special permit after review by the Planning Commission, or on appeal by the Board of Appeals. These land uses cannot be conveniently allocated to one zone or another, or the effects of each individual use cannot be definitely foreseen.
- B) The Special Land Use differs from the Variance in several respects. A special land use does not require "undue hardship" or "unusual circumstances" in order to be allowable.
- C) Two Categories of Special Land Uses
  - 1) Though an area may be appropriately zoned, certain proposed uses may require review and authorization by the Planning Commission before such use may be undertaken. The general characteristics of these Special Land Uses may include one or more of the following:
    - a) They require large areas.
    - b) They are infrequent activities.
    - c) They sometimes create an unusual amount of traffic.
    - d) They are sometimes obnoxious or hazardous.
    - e) They may affect public safety and convenience.
    - f) They may not be compatible with existing developments in the area.
    - g) They may not comply with the Performance Standards Schedule.
  - 2) Other special land uses may be granted, conditionally, or without restriction, when it is determined by the appropriate agency that though literally defined as a more restricted use, the proposed use is not inconsistent with the uses in the immediate environment.

## **Storage Yard**

The use of open land, or land which is used or designed and/or intended to be used as a repository for storing or keeping of cars, vehicles, boats, equipment, products or other personal property (new and/or used goods) whether or not the area is adjacent to and part of a business, commercial or industrial use and whether or not consideration is exchanged for storage therein.

## **Street**

A public thoroughfare which has been dedicated or deeded for public use and which affords principal means of access to abutting property.

## **Structure**

Anything constructed or erected on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

## **Swimming Pool**

A fabricated or artificially formed body of water retained within a manufactured or fabricated structure.

## **Temporary Building or Temporary Use**

A structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

## Tourist Home

Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

**Trailer Court** See Land Leased Community

**Trailer Coach** See Manufactured Home

Any vehicle designed, used or so constructed as to permit its being moved upon the public street or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping space for one or more persons.

## Travel Trailer

A vehicle designed as a travel unit for occupancy as a temporary or seasonable vacation living unit.

## Use

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

## Variance

A modification of the literal interpretation of the zoning ordinance, granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. **THE CRUCIAL POINTS OF A VARIANCE ARE UNDUPLICATE HARDSHIP AND UNIQUE CIRCUMSTANCES APPLIED TO PROPERTY.** A VARIANCE IS NOT JUSTIFIED UNLESS THESE ELEMENTS ARE PRESENT IN THE CASE. A VARIANCE MAY BE AUTHORIZED BY THE BOARD OF APPEALS, ONLY.

## Yards

The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance and as defined herein.

**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 line of the main building.

**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 of the side lot line to the nearest point of the main building.

**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 line of the main building. See Fig. 3

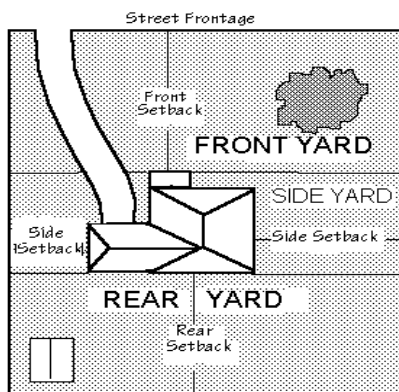


Fig. 3 Setbacks

### **Zoning Variance**

A modification of the literal enforcement 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 CRUCIAL VARIANCE IS NOT JUSTIFIED UNLESS ALL OF THESE ELEMENTS ARE PRESENT IN THE CASE.

### **Zoning Exception**

An exception is a use permitted only after review by the Board of Appeals of an application; such review being necessary because of the provisions of the ordinance covering conditions, precedent or subsequent are not precise enough to all applications without interpretation and such review is required by the ordinance.

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 conditional uses authorized by special permit or review by the Planning Commission, legislative body, or Board of Appeals. These land uses could not be conveniently allocated to one (1) zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these include one (1) 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.