

CHAPTER 2

DEFINITIONS AND ILLUSTRATIONS OF TERMS

SECTION 2.01 INTENT AND PURPOSE

The purpose of this Chapter is to establish rules for interpreting the text of this Ordinance, to define certain words and terms, and to provide for the interpretation of this Ordinance by adoption of a technical dictionary. Certain words and terms which may not appear in this Chapter, but which have special application may be defined in other Chapters in which they apply.

SECTION 2.02 USE OF WORDS AND TERMS

- A. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural includes the singular.
- B. The word "shall" designates a mandatory action.
- C. The word person always includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- D. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".
- E. Any term not defined herein shall have the meaning of common or standard use.

SECTION 2.03 DEFINITIONS "A"

Abandoned Solar Energy System: Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of six months. (Amendment 12-11-2018)

Accessory Buildings. A supplementary building or structure on the same lot or parcel of land as the main building or buildings, or part of the main building occupied by or devoted exclusively to any accessory use;

Accessory Use. A use that is incidental and subordinate to the principal use of the land or buildings.

Adult Uses. A business or commercial enterprise engaging in any of the following businesses or uses: Adult Bookstore, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Adult Personal Service Business, Massage Parlor, Massage School, Nude Model Studio, and a Sexual Encounter Center. These terms and terms related to these definitions, as noted, shall have the following indicated meanings:

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- A. Adult Bookstore: A commercial establishment that, as its principal business purpose, offers for sale or rental for any form of consideration any one (1) or more of the items:
1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproduction, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or
 2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- B. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
1. Persons who appear in a state of nudity;
 2. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
 3. 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
 4. Persons who engage in lewd, lascivious or erotic dancing or performances which are intended for the sexual interests or titillation of an audience or customers.
- C. Adult Motel: A hotel, motel or similar commercial establishment that:
1. 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 specified anatomical areas and has as a sign visible from the public right-of-way that advertises the availability of any of the above;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; and/or
 3. 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.
- D. Adult Motion Picture Theater: A commercial establishment, which for any form of consideration, regularly and primarily shows 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. This definition includes commercial establishments that offer individual viewing booths.

- E. 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 specified sexual activities.
- F. Adult Personal Service Business: A business having, as its principal activity, a person while nude, or while displaying "Sexual Conduct" or "Specified Anatomical Areas." as defined herein, providing personal service for another person.
- G. Massage Parlor: Any place or establishment where massage is made available. "Massage Parlor" does not include:
1. A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
 2. A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
 3. A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties; provided, however that the barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands, feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only; or
 4. Myomassaologists who meet the following criteria:
 - a. Proof of graduation from a school of massage licensed by the State of Michigan or current licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States; and
 - b. Proof of current professional membership in the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification, including liability insurance.
- H. 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.
- I. Sexual Encounter Center: A business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity.
- J. Specified Sexual Activities: Includes any of the following:
1. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 2. Sexual arousal or gratification using animals or violence, actual or simulated;
 3. Masturbation, actual or simulated;
 4. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus or female breast; or
 5. Excretory functions as part of or in connection with any of activities set forth as 1-4 directly above.
- K. Specified Anatomical Areas
1. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Agricultural Business.* Seasonal, private activities for entertainment or commercial activities involving an agricultural setting, but which is not focused primarily on farming activities of a farm operations, including the following:

1. Fun houses, haunted houses, or similar entertainment facilities.
2. An organized meeting space for use by weddings, birthday parties, corporate picnics, or other similar events.
3. Any of the accessory uses provided in the definition for Agricultural Tourism where such uses are 50 percent or more of a farm's gross receipts, or are otherwise the primary use of the farm.

*(Amendment 6-12-2018)

Agricultural Tourism.* Seasonal, community-oriented activities for education and enjoyment that involve participation or involvement in the farming activities of a farm operations, including the following:

1. Seasonal U-Pick fruit and vegetable operations;

2. Seasonal outdoor mazes of agricultural origin such as straw bales or corn;
3. Agricultural festivals;
4. Accessory activities connected to the above operations, so long as these activities preserve the general agricultural character of the farm and the income from such activities represents less than 50 percent of the gross receipts from the farm. Such activities are limited to the following:
 - a. Value-added agricultural products of activities such as education tours, processing facilities, etc.;
 - b. Bakeries selling baked goods containing produce at least 50% of which is grown on-site;
 - c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc., but not including motorized vehicles or rides;
 - d. Petting farms, animal displays, and pony rides;
 - e. Wagon, sleigh, and hayrides;
 - f. Nature trails;
 - g. Open air or covered picnic areas with restrooms;
 - h. Education classes, lectures, and seminars;
 - i. Historical agricultural exhibits;
 - j. Kitchen facilities, processing or cooking items for sale;
 - k. Gift shops for the sale of agricultural products and/or products related to agriculture;
 - l. Gift shops for the sales of non-agriculturally related products such as antiques or crafts, with up to 25 percent of gross sales resulting from the sale of such products.

*(Amendment 6-12-2018)

Alter or Alteration. Any structural change in the supporting or load bearing members of a building, such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the roof or exterior walls.

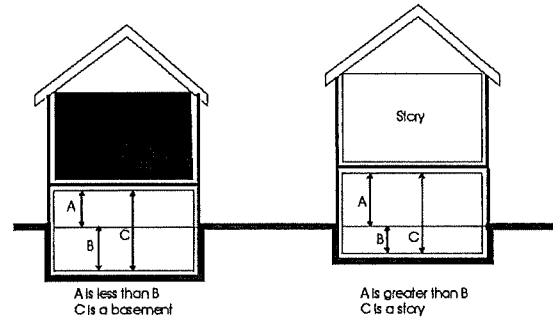
Automobile Repair. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rustproofing. The term "automobile" includes "vehicles".

Automobile Service Station. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, body fender work, or automobile repairs are conducted. The term "automobile" includes "vehicles".

Automobile Wash. A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means. The term "automobile" includes "vehicles".

SECTION 2.04 DEFINITIONS "B"

Basement. That portion of a building having more than one-half (1/2) of its height below grade.



Basement and Story

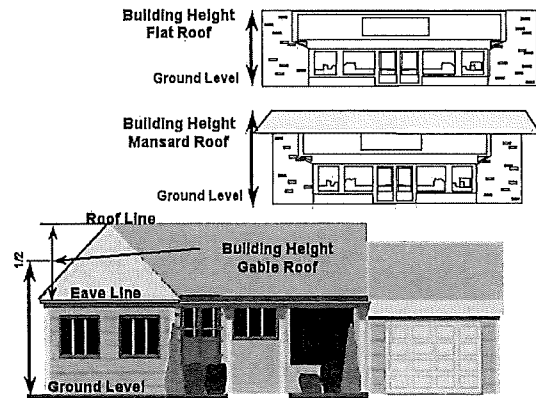
Bed and Breakfast. A single-family residential structure that provides sleeping rooms and serves breakfast to its transient tenants.

Board of Appeals or Board. As used in this Ordinance, the term Board of Appeals means the Charter Township of Grass Lake, Michigan, Zoning Board of Appeals.

Building. An enclosed structure having a roof supported by columns or walls.

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

Building Height. The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deckline of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.



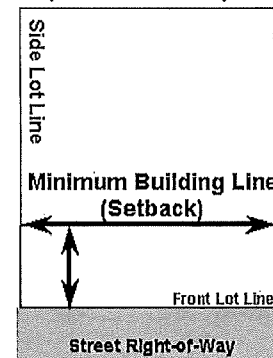
LSL Planning, Inc.

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

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

SECTION 2.05 DEFINITIONS "C"

Building Line (Front Setback)



Campground. A parcel of land in which sites are offered for the use of temporary living quarters for recreational units; or a publicly or privately owned establishment intended, or used for the purpose of supplying a location for overnight camping.

Church. A building, or group of buildings, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

Club. An organization of persons for special purposes or for the promulgation agriculture, sports, arts, science, literature, politics, or the like, but not operating for profit.

Condominium Development. Any development undertaken under the provisions of the Michigan Condominium Act, Act 59 of Public Acts of 1978, as amended, or any other act of the Legislature of the State of Michigan providing for development of property under joint or concurrent ownership. The following other definitions shall also apply:

- A. Condominium Documents. The master deed, recorded pursuant to Condominium Act, and any other instrument referred to in the master deed or bylaws that affects the rights and obligations of a co-owner in the condominium.
- B. Condominium Lot. The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is a limited common element. (See also the definition of "Lot.")
- C. Condominium Subdivision Plan. The drawing and information prepared in accordance with Section 66 of the Condominium Act.
- D. Condominium Unit. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Convalescent Home. A convalescent home or nursing home is a state licensed facility for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders.

SECTION 2.06 DEFINITIONS "D"

Day Care Facilities. The following definitions shall apply in the construction and application of this Ordinance.

- A. "Family day care home" means a private home in which one (1) but fewer than seven (7) minor children are received for 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 that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- B. "Group day care home" means 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 that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- C. Child caring institution: means a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained by the institution for that purpose, and operated throughout the year.

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

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

Dwelling. Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling in single, two family or multiple family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the occupied part shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions relative to dwellings.

Dwelling, Single-Family. A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family. A detached building designed for or occupied exclusively by two (2) families living independently of each other. Also known as a duplex dwelling.

Dwelling, Multiple Family. A building used for and designed as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartments.

SECTION 2.07 DEFINITIONS "E"

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment or accessories reasonably developed in connection therewith for the furnishing of adequate service by public utilities or municipal departments or commissions or for the public health or general welfare.

Wireless communication facilities shall not be considered essential services.

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

SECTION 2.08 DEFINITIONS "F"

Family.

- A. An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character, cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature for an anticipated limited duration of a school term or terms or other similar determinable period.

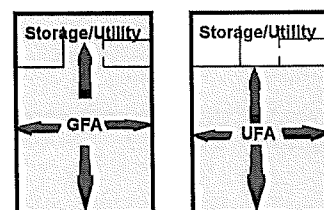
Farm. The land, buildings, and machinery used in the commercial production of farm products. For purposes of this Ordinance, the following additional definitions shall apply:

- A. Farm operation. A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- B. Farm product. Those plants and animals useful to human beings and includes, but not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.
- C. Farm Buildings: Any building or structure, other than a dwelling, maintained, used, or erected on a farm that is essential to and customarily related to agricultural activities.

*Amendment September 2015

Floor Area, Gross (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a

Floor Area



building shall include the basement floor area when more the one-half (1/2) of the basement height is above the finished lot grade. For the purposes of calculating parking, gross floor areas shall not include areas within the main building used for parking, housing of mechanical equipment, heating systems and similar uses.

Floor Area, Usable (UFA). For the purpose of computing parking, 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. Floor area used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

SECTION 2.09 DEFINITIONS "H"

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

Home-Based Business. A business operation based on the same premises as a single-family dwelling that is clearly an incidental and secondary use of the dwelling, but conducted primarily in other locations off the premises.

Home Occupation. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

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, related facilities, such as laboratories, out patient departments, training facilities, central service facilities, and staff offices.

Housing for the Elderly. A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

SECTION 2.10 DEFINITIONS "I"

Intensive Livestock Operation. An agricultural operation in which animals are bred and/or raised within a confined area, at concentrated densities. These operations are further characterized as having an animal feeding building or feedlot that is a facility, other than a pasture, where animals are fed and/or confined.

SECTION 2.11 DEFINITIONS "K"

Kennel, Commercial. Any building, structure, enclosure or premises where four (4) or more dogs or cats, six (6) months of age or older, are kept for commercial purposes, including boarding, breeding, or sale, or the rendering of services for profit. For the purposes hereof, animal kept and maintained by a hobby kennel, shall not be deemed and considered a commercial kennel.

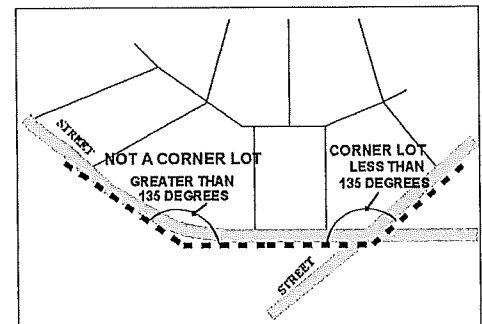
SECTION 2.12 DEFINITIONS "L"

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

Lot. A lot is a parcel of land occupied or intended to be occupied by a building, structure or use, or by other activity permitted thereon and including the yards and open spaces required under this Ordinance. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.

Lot Area. The total area within the lot lines of a lot excluding any public rights-of-way or private roadway easements.

Lot, Corner. A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street shall be considered a corner lot for the purposes of this Ordinance if the arc is a radius of less than one hundred and fifty (150) feet and 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 Depth. The distance between the front and rear lot lines, generally measured at the center of the lot.

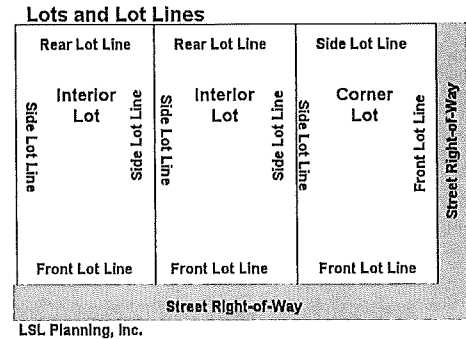
Lot, Double Frontage. A lot other than a corner lot having frontage on two (2) streets that are more or less parallel.

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

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

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

Lot Line, Front. In the case of an interior lot, the front lot line shall mean the line separating the lot from the road. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that road which is designated as the front. In the case of a corner lot, there shall be a front yard for each frontage.



Lot Line, Rear. The rear lot line is that lot line which is opposite from the designated front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to the rear lot line for the purpose of determining depth of rear yard.

Lot Line, Side. Any lot line not a front lot line or a rear lot line.

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

SECTION 2.13 DEFINITIONS "M"

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. "Manufactured Home" does not include a recreational vehicle.

Manufactured Home Park. A parcel or tract of land under the control of a person or organization upon which three (3) or more manufactured homes are located on a continuous non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with a building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

Master Plan. The officially adopted Master Plan for Grass Lake Charter Township.

Mining and Extraction Operations. Any excavation operation for the purpose of searching for, removing, or processing peat, gravel, sand, clay, earth, or other soils, or marble, stone, slate, or other valuable natural resource in excess of five-hundred (500) cubic yards in any calendar year, including the overburdening, storage or transporting of such items on a mining and extraction site, or the reclamation of the site after removal or excavation of such items, but not including an oil or gas well. See Section 205 of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3201 *et seq.*, as amended. The following activities are not mining and extraction operations and are exempt from the special land use permit requirements of this Ordinance:

- A. Excavation approved by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
- B. The ordinary and necessary grading of land for the tilling and cultivation of soils to grow crops or excavation in conjunction with a farming operation conducted following generally accepted agricultural management practices.
- C. Normal lawn and landscaping installation and maintenance provided that the existing natural grade is not raised or lowered by more than twelve (12) inches over an area encompassing twenty-five percent (25%) or more of a parcel.
- D. Any excavation of material that will not involve transporting the materials outside the property where they were extracted.
- E. Excavations for ponds constructed for private use of property owners provided the pond will not be larger than five acres and material will not be removed from the site.
- F. Excavation within a public right-of-way, within public roads or drainage easements.
- G. Excavation that by its nature is of limited scope and duration and that is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, access way construction, septic tanks, swimming pools, graves, and other approved uses under this Ordinance.

Motel/Hotel. A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

SECTION 2.14 DEFINITIONS "N"

Non-Conforming Building. A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the setback, height, or other provisions applicable to buildings in the zoning district in which it is located.

Non-Conforming Lot. A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the Ordinance for lot area and/or lot width for the zoning district in which it is located.

Non-Conforming Use. A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations for the zoning district in which it is located.

Nonresidential District. Any district that is not a Residential District.

SECTION 2.15 DEFINITIONS "O"

Occupy. The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.

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

Off-Street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles. A parking lot includes that space used to provide adequate maneuvering space for ingress and egress.

Open Air Business. The retail sales of goods that are principally displayed outside, including:

- A. Outdoor display and sale of garages,* automobiles, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar equipment and activities.
- B. Retail sales of trees,* firewood, fruits, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- C. *Outdoor recreation, including, but not limited to, tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

***Amendment June 2017**

Open Space Preservation Development. A development design technique, approved by the Township, which concentrates single-family lots in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of natural resources and features.

Ordinary High Water Mark, or Shoreline. The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

SECTION 2.16 DEFINITIONS "P"

Personal Service Establishment. A commercial business conducting services involving the care of a person or a person's apparel that are performed primarily on the premises, such as barber or beauty shops and photographic studios.

Photovoltaic Device: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use. (Amendment 12-11-2018)

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

Porch, Open. An unenclosed, covered entrance to a building or structure having columns supporting the porch roof, projecting from the wall of the building or structure and has a separate or an integral roof with the main building or structure to which it is attached.

Planned Unit Development (PUD). A form of development usually characterized by the flexible application of zoning district regulations and a unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project for an entire development, rather than on an individual lot-by-lot basis. It also refers to a process, revolving around the site plan review and rezoning processes, in which the Township will have considerable involvement in determining the nature of development.

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

Private Service/Social Clubs, Fraternal Organizations and Lodge Halls. A building or open land whose use is restricted to members or guests. The primary purpose of the club/organization is to provide a meeting place for its members and guests to promote the intent of the club/organization. If the club/organization offers alcoholic liquors for sale to its members and guests, then the benefits and restrictions of a "tavern" prevail. (Inserted by Amendment 2010)

Public Utility. Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing and to the public; electricity, gas, steam, communications, telegraph, transportation, or water under Federal, State, or municipal regulations.

SECTION 2.17 DEFINITIONS "R"

Recreational Unit, or Vehicle. A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle that is self-powered. A tent is a collapsible shelter of canvas or other fabric stretch and sustained by poles and used for camping outdoors.

Residential District. The AG, R-1, R-2, R-3, and R-4 Districts.

Right-of-Way. A legal right of passage over real property typically associated with streets and railroads.

SECTION 2.18 DEFINITIONS "S"

Self-Storage Facility. A building(s) consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods.

Setback. The minimum required horizontal distance between buildings or structures and the front, side and rear lot lines.

Sign. A name, identification, description, display, light, balloon, banner, flag or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible property. The definition does not include interior signs which are directed at persons within nor does it include goods for sale displayed in a business window.

Solar Array: Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy. (Amendment 12-11-2018)

Solar Energy System, Large: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, either for the sale, delivery or consumption of the generated energy by more than one end user, or for personal use beyond what is permitted for a Medium Solar Energy System, typically with a power output of is equal to or greater than 1 megawatt. (Amendment 12-11-2018)

Solar Energy System, Medium: A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located. Medium Solar Energy Systems include all solar energy systems with power output greater than 150 kilowatts but not exceeding 1 megawatt. (Amendment 12-11-2018)

Solar Energy System, Small: A solar energy system where the sole use is to generate

electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts. (Amendment 12-11-2018)

Stable, Commercial. A stable with a capacity of five (5) or more horses, mules or donkeys which are rented, hired, used or boarded on a commercial basis or for compensation.

State Licensed Residential Facility. A residential care family or group facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

- A. **Family:** A state licensed residential facility providing resident services to six (6) or fewer persons.
- B. **Group:** A state licensed residential facility providing resident services to more than six (6) persons.

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

Street, Public or Private. The public or private thoroughfare that allows traffic circulation and provides principal means of access to abutting property.

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.

SECTION 2.19 DEFINITIONS "T"

Tavern. A commercial establishment whose principal activity is the sale of alcoholic liquors at retail to the general public for consumption on the premises, and where no other kind of business is being maintained or conducted, except as may be accessory thereto.

Temporary Living Quarters. As related to camping, a recreational unit or building within a modern camp, which is occupied or used for more than four (4) hours between the hours of 10:00 p.m. to 6:00 a.m., which is not intended to be occupied or used in excess of three (3) consecutive months.

SECTION 2.20 DEFINITIONS "U"

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

Unreasonable Safety Hazard: Any condition which could reasonably be expected to create,

cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard. (Inserted by Amendment 2018)

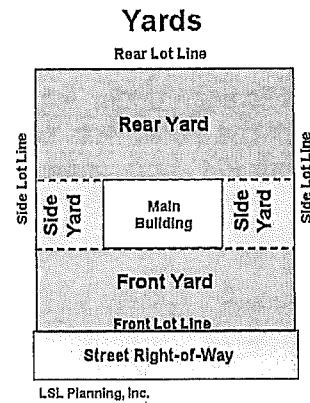
SECTION 2.21 DEFINITIONS "Y"

Yard, Front. An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the main building on the lot.

Yard, Rear. An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the main building.

Yard, Required. An open space on a lot prescribed by the requirements of the zoning district in which it is located.

Yard, Side. An open, unoccupied space on the same lot with main building, between the side lot line of the closest building and the adjacent side lot line.



SECTION 2.22 DEFINITIONS "Z"

Zoning Act. The Zoning Enabling Act of Michigan, Public Act 110 of 2006, as amended. (Amended to reflect new law 2010)

Zoning Administrator. The administrative official designated by the Township Board to administer and enforce the Zoning Ordinance.