

CHAPTER 3

DEFINITIONS

SECTION 3.01 RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance.

- (a) The particular shall control the general.
- (b) With the exception of this Chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance in any respect.
- (c) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- (d) Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) A “building” or “structure” includes any part thereof.
- (f) The word “person” includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as natural person.
- (g) The words “used” or “occupied”, as applied to any land or building shall be construed to include the words “intended”, “arranged”, “designed to be used”, or “occupied”.
- (h) Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

SECTION 3.02 GENERAL DEFINITIONS The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

Access Management (Access Control). A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access. Methods used include construction of frontage roads, service drives, and shared driveways, as well as medians or islands to restrict ingress and/or egress.

Accessory Use, Building Or Structure. A use, building, structure or portion of a building supplementary and/or subordinate to a main use or building on the same lot occupied by or devoted exclusively to a principle use. When an accessory building is attached to a main building in a substantial manner, such as a wall, roof, breezeway or other roofed or enclosed passage, the accessory building is considered a part of the main building for the purposes of determining compliance with required minimum building setback standards.

Alterations, Structural. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

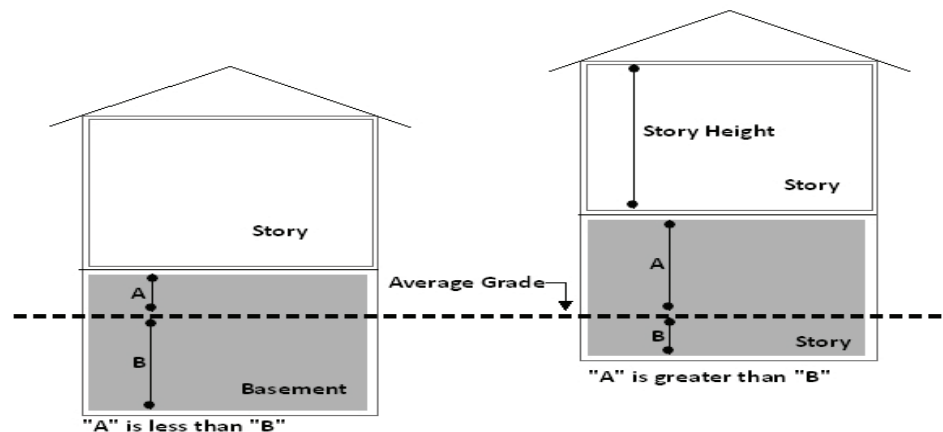
Automobile Repair-Major. The general repair, rebuilding, or reconditioning of engines or vehicles; collision service (including body repair and frame straightening); painting or upholstering; or vehicle steam cleaning and undercoating.

Automobile Repair-Minor. Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity; provided, however, there is excluded any repair or work included in the definition of "Automobile Repair-Major".

Basement. (See Figure 3-1). That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor (B) is greater than the vertical distance from the average grade to the ceiling (A) but not including any part thereof not so located. A basement shall not be counted as a story.

Figure 3-1

BASEMENT AND STORY



Bed And Breakfast Operation. A single-family dwelling which is the principal place of residence of a family and which is also used to support an operation in which transient guests are provided a sleeping room and board in return for payment. For the purpose of this definition, a transient guest means a person who rents a room in a bed and breakfast establishment for fewer than thirty (30) consecutive days

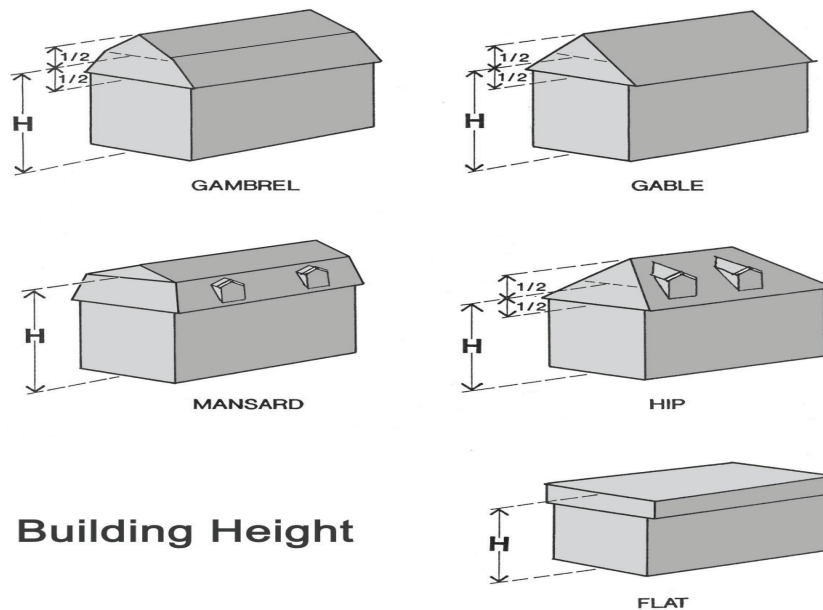
Billboards see Signs and Billboards.

Building. Any structure which is constructed or erected, or positioned, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for housing, storing, or enclosing persons, animals, or personal property or conducting business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without enclosed passageways or openings, each portion of such building is deemed a separate building. The definition includes mobile homes or mobile structures, pre-manufactured or pre-cut structures, tents, movable storage units, freight containers, and

semi-trailers positioned or installed on property and serving in the function of a building (*Amended 4-09*).

Building Height (See Figure 3-2). The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

Figure 3-2



Building Setback Lines – Minimum Front, Side And Rear. Lines marking the setback distance for buildings measured from the respective front, side, and rear lot lines, from which are derived the minimum permitted front, side or rear yards (ref. definition of “Yard”). Also referred to as “setback lines” and “building lines”. The “minimum building setback” is the minimum depth of a front, side or rear “yard” necessary to conform to the required yard provisions of this ordinance. (*Amended 4-09*)

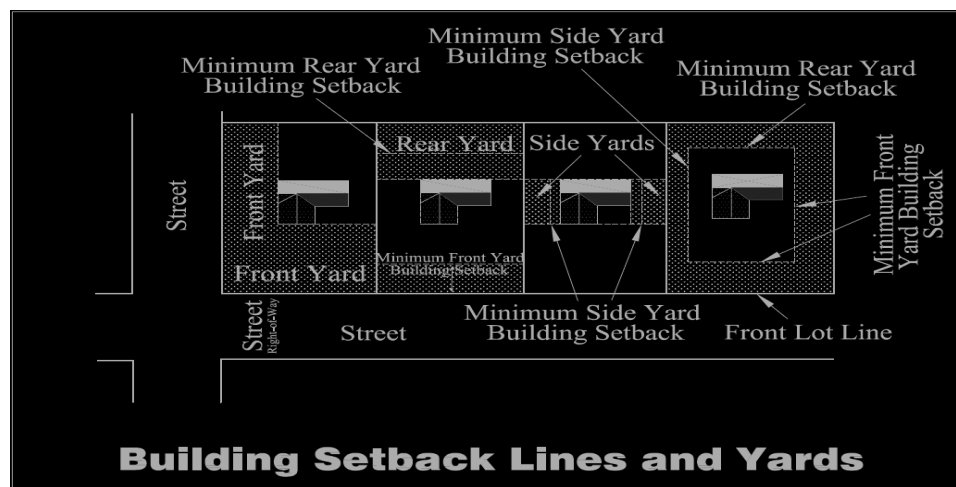


Figure 3-3

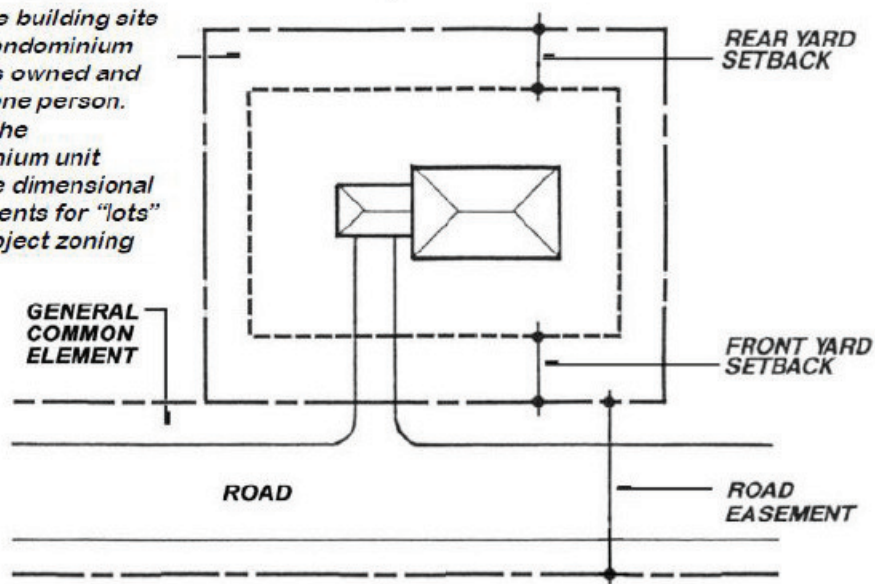
- Common Element, General.** An area which is appurtenant to a condominium unit and which is reserved in the master deed for the condominium project for all of the owners of the condominium project.
- Common Element, Limited.** An area which is appurtenant to a condominium unit and which is reserved in the master deed for the condominium project for the exclusive use of at least one, but less than all, of the owners of the condominium project.
- Common Land.** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or other development.
- Common Open Space.** An unoccupied area within a development which is reserved primarily for the leisure and recreational use of all residents in a development and generally owned and maintained in common by them, often through a homeowners association.
- Condominium Act.** Public Act 59 of 1978, as amended. Except as otherwise provided by this Ordinance, the following words and phrases, as well as any other words or phrases used in this Ordinance which are specifically defined in the condominium act, shall conform to the meanings given to them in the Condominium Act: "condominium documents"; "contractible condominium"; "convertible area"; and "expandable condominium".
- Condominium Project Or Site Condominium Project (Site Condominium).** A condominium project developed under Public Act 59 of 1978, as amended, consisting of more than one (1) condominium unit which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.
- Condominium Structure.** The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g., in a residential development, the condominium structure would refer to the house and any attached garage.
- Condominium Unit.** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business or recreational use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. The term "condominium unit" may, in certain instances, be equivalent to the term "lot", for purposes of determining compliance of a condominium subdivision("site condominium project") with provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio. (ref. "lot" definition and Figure 3-4).
- Corner Lot.** A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the streets is one hundred thirty-five (135) degrees or less or a lot abutting upon a curved street or streets if tangents to the curve, form an interior angle of one hundred thirty-five (135) degrees or less.
- Day Care Home, Family.** A private residence in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours per 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.

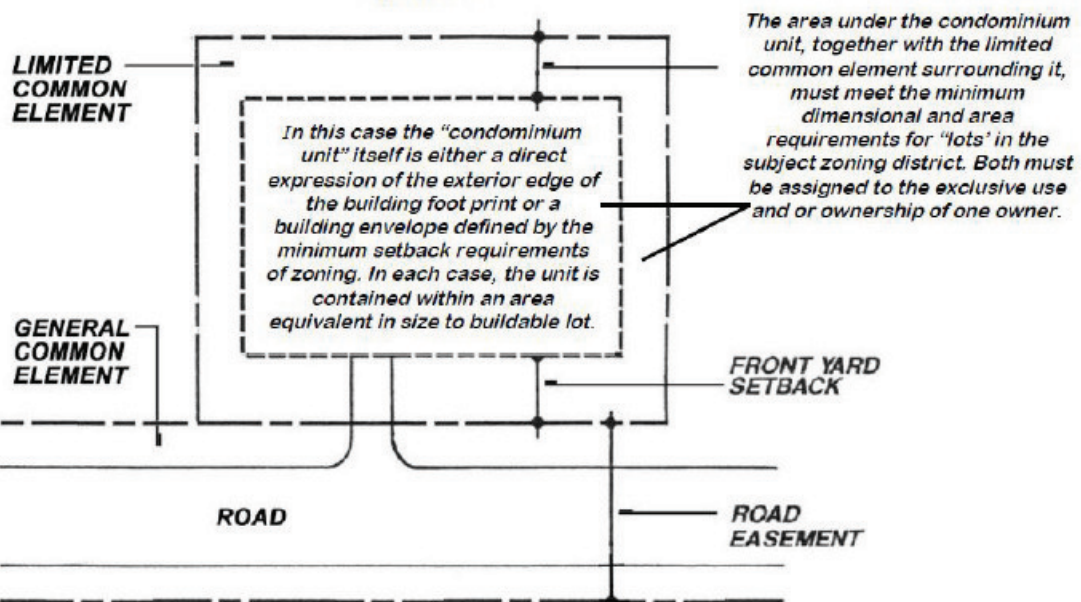
Figure 3-4

*Site Condominium
Building Site
"Option A"*

The entire building site is the "Condominium Unit". It is owned and used by one person. By itself the condominium unit meets the dimensional requirements for "lots" of the subject zoning district.



*Site Condominium
Building Site
"Option B"*



Day Care Home, Group. A private residence in which the operator permanently resides as a member of the household 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) hour 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.

Driveway / Joint Driveway. A driveway is an improved or unimproved private vehicle access path extending from a public or private street or right of way to not more than three lots or parcels of land and which is intended to provide the primary means of access to not more than three lots or parcels of land. A driveway serving two (2) or three (3) lots or parcels whereby two of the three parcels served have the required amount of street frontage on the same street from which the driveway is extended, is classified as a “joint driveway”. Note: Driveways are subject to the driveway standards of Chapter 22. An access path serving two or more lots or parcels that do not having the required minimum lot frontage along the public or private street from which the access path extends must meet the minimum standards applied to Private Streets contained in Chapter 22.

Dwelling A building containing one or more dwelling units designed for residential use (excluding motels, hotels, and tourist rooms or cabins), complying with as applicable, the standards outlined in Section 16.29 or if a “mobile home within a manufactured home park” to the standards of the U.S. Department of Housing and Urban Development and the State of Michigan Manufactured Housing Commission.

Dwelling, Earth Sheltered. A dwelling where more than fifty percent (50%) of the walls and/or roof are covered with earth to provide climatic, noise, or life safety protection. Said dwelling shall be able to meet the requirements of the Township Housing Code and Construction Code.

Dwelling, Farm or Farmhouse. A dwelling currently or historically associated with a farm operation.

Dwelling, Mobile Home. See definition of “Mobile Home”.

Dwelling, Multiple-Family. A building designed exclusively for, and containing three (3) or more dwelling units.

Dwelling, Single-Family. A detached building designed exclusively for, and containing one (1) dwelling unit only.

Dwelling, Two-Family. A detached building designed exclusively for, and containing two (2) dwelling units only.

Dwelling Unit. One (1) room or suite of two (2) or more rooms designed for use or occupancy by one (1) family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

Family.

- (a) An individual or group of two or more persons related by blood, marriage, or adoption, including foster children, together with not more than one (1) additional person not

related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit or

- (b) A collective number of individuals domiciled together as a “functional” family in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

Family Business. A business enterprise conducted on residential property which due to its nature and size is beyond the scope and scale of a home occupation but which nonetheless remains incidental to the principle residential use of a property. Such use may only be authorized as a special land use and is, subject to the provisions of Section 16.27 and Chapter 17.

Farm. A farm is a form of business enterprise intended for the production of raw agricultural products in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of agricultural products, as described herein, for profit, and which provides a major source of income and capital for re-investment. A farm is further defined as all the contiguous, neighboring or associated land, along with the plants, animals, structures, ponds, machinery, equipment and other appurtenances which when taken collectively, functions as a single unit, for the commercial production of agricultural products. Commercial stone quarries, gravel and sand pits, are not considered farms or farm uses hereunder.

Farm-Agricultural Products: Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

Farm-Agricultural Product Value Added. The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

Farm-Agriculturally Related Products: Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and value-added agricultural products and production on site.

Farm/Non-Agriculturally Related Products: Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

Farm-Agriculturally Related Uses: Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes.

Farm Market/Roadside Stand. The sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm, farm operation or agricultural land. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales and then sold at an affiliated farm market. A farm market may operate seasonally or year-round and farm markets could include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions when allowed by applicable local, state and federal regulations.

Farm Market/Roadside Stand," Seasonal or Temporary" A road side stand located and operated on a recurrent period characterized by certain agricultural or horticultural occurrences, or crops, commensurate with planting or harvest, or when crops are ready. Not all year round.

Farm-Agricultural Tourism: The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation other than as a contractor or employee of the operation.

Farm Operation. A condition or activity which occurs on a farm in connection with the commercial production of agricultural products and includes, but is not limited to, marketed produce at roadside stands or farm markets, noise odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial spraying and seeding, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides and the employment of and use of labor.

Floor Area. The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building, except dwelling units where the principal use thereof shall include the basement, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities.

Floor Area, Usable. For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Foster Care Facility. An establishment which provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home, licensed under Act No. 139 of the Public Acts of 1956, as amended, 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.

(a) Family Home - A facility which provides foster care to six (6) or fewer persons.

(b) Group Home - A facility which provides foster care to seven (7) or more persons.

Grade, Average. (See Figure 3-5). The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

Grade, Finished. The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Home Occupation. A gainful occupation traditionally or customarily carried on in the residential dwelling as a use incidental to the use of the structure as a dwelling place. Home occupations may include any profession, vocation or trade, such as beauty shops, barber shops and photographic studios.

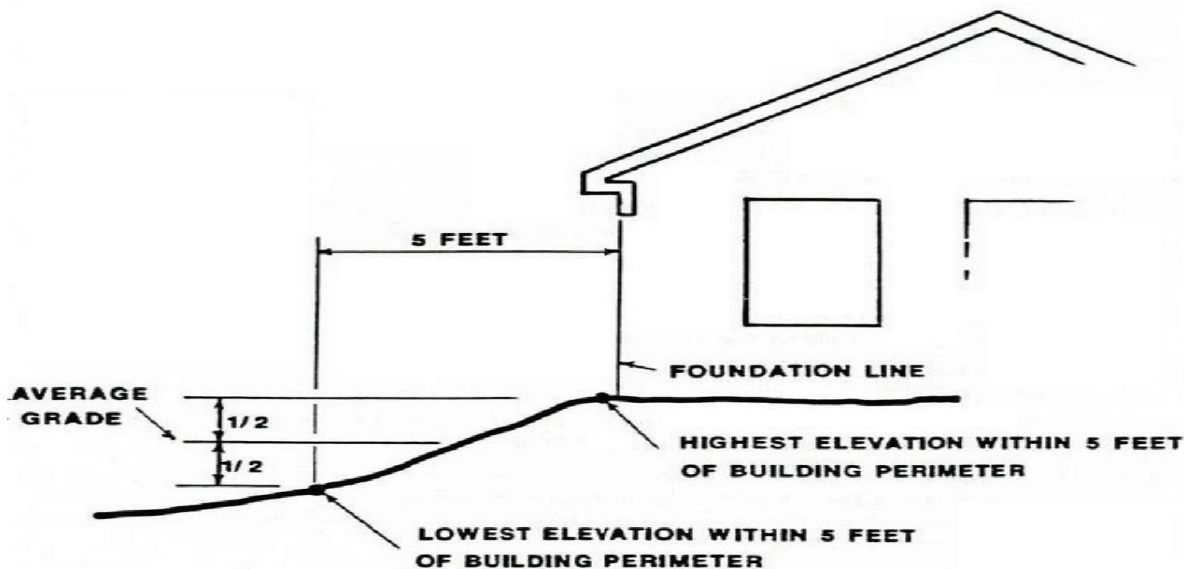


Figure 3-5
AVERAGE GRADE

Junkyard. A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

Kennel. Any place (land, building or structure) where five (5) or more dogs, six (6) months of age or older are kept temporarily or permanently for any reason other than veterinary

medicine. For the purpose of this ordinance the term kennel shall also encompass dog runs and dog training facilities.

Kennel, Private. Any place (land, building or structure) where five (5) or more dogs, six (6) months of age or older are kept temporarily or permanently by the owner and/or occupant of the premises and where all such animals are kept for the owners private pleasure or sport, without remuneration.

Kennel, Commercial. Any place (land, building or structure) where five (5) or more dogs five (5) months of age or older are kept and where one or more of such animals is kept for purposes of breeding for sale or for providing boarding and/or training services to animals owned by or contracted to persons other than the kennel owner shall be considered a “commercial kennel”.

Lot. A separate parcel of land within in a recorded plat or described by metes and bounds, having frontage on a public or private street, occupied or to be occupied by a principal building or a group of buildings and accessory structures, or utilized for a principal use and accessory uses and having sufficient dimensions to comply with the requirements of this ordinance for minimum area, frontage, width, setbacks, and yards. A lot need not be a “lot of record”. “Lot” shall include “plot” or “parcel”. In the context of a site condominium project as regulated by Public Act 59 of 1978, as amended, the term “lot” is that portion of a condominium project, designed and intended for separate ownership and/or exclusive use.

Lot Area. The total horizontal area included within the lot lines excluding any public or private easement for right-of-way purposes (e.g. for a public street, private street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles).

Lot Frontage. The length of the lot line separating a lot from a public or private street right of way.

Lot Lines. The property lines bounding a lot. The following are types of lot lines (Ref. Figures 3-5 and 3-6).

- (a) Front Lot Line. Front lot line shall mean the line separating a lot from the public or private street right of way. In all cases in which street widths have not been specifically recorded, the front lot line shall be considered to be thirty-three (33) feet from the center of the street. Corner lots and double frontage lots are considered as having two front lot lines.
- (b) Lot Line, Rear. That lot line which is most opposite and most distant from the front lot line. On corner lots, the rear lot line may be opposite either street frontage, but only one rear lot line shall be so designated. In such cases the owner shall have the privilege of selecting the rear lot line, provided that, in the opinion of the Zoning Administrator such choice does not negatively influence existing or future development of the adjacent properties. The rear lot line of an irregular or triangular shaped lot shall be a property line at least ten (10) feet long, parallel or nearly parallel to and most distant from the front lot line. In cases where none of these definitions is applicable, the Zoning Administrator shall designate the rear lot line.
- (c) Side Lot Line. Any lot line not a front line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Width. (Ref. Figure 3-6 and Section 16.16) The horizontal distance between side lot lines, measured at the right of way line, front building line or along a reference line between the two points where the minimum front yard building setback line intersects the side lot lines, or in the case of a corner lot, between the front lot line and the side lot line, in accordance with the applicable provisions of Section 16.16.

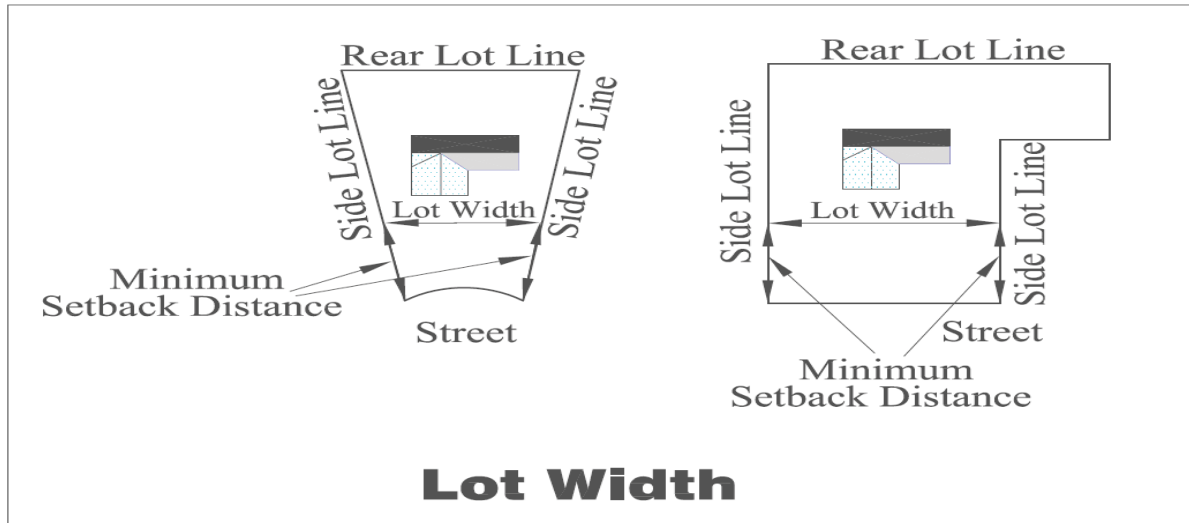


Figure 3-6

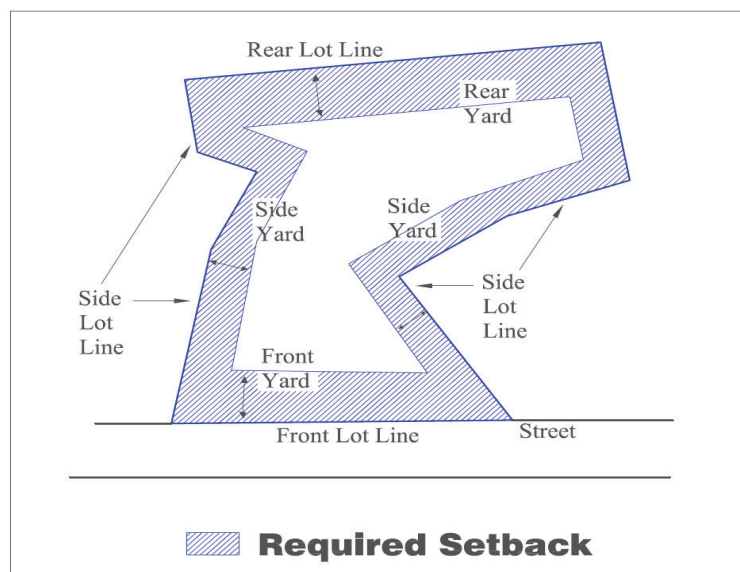


Illustration of Yards for Irregular Shaped Lot

Figure 3-7

Marihuana/Medical Marihuana

- (a) **Marihuana**-This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

- (b) Marihuana Collective or Cooperative. Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed by a group or individuals in a group acting together as a collective enterprise or by an organization owned collectively by members who share in the benefits owned as a cooperative or in any way structured like a collective or a cooperative.
- (c) Marihuana Dispensary or Dispensary. Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; and the Administrative Rules of the Michigan Department of Community Health.
- (d) Medical Use of Marihuana. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).
- (e) Primary Caregiver. Primary caregiver or caregiver means a person as defined under MCL 333.7106(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
- (f) Qualifying Patient or Patient-Qualifying patient or patient means a person as defined under MCL333.7106 (h) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
- (g) Smoke House. Smoke house means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This term does not encompass:
 - (1) A primary caregiver facility at which medical marihuana is consumed or ingested on the premises solely by the designated qualifying patient(s) of the primary caregiver(s); or,
 - (2) The consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is received care.

Manufactured Home or Mobile Home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used for dwelling purposes 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. “Manufactured” or “mobile” home does not include “modular” home, “motor” home, travel trailer or recreational vehicle.

Mobile Home Site. A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of a occupants of such mobile home.

Mobile Home Pad. That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures or additions.

Mobile Home Park. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a travel trailer park.

Mobile Home Subdivision. A mobile home community except that the mobile home sites are subdivided, surveyed, recorded and sold in accordance with Michigan Act 288 of 1967, as amended.

Modular Home. A dwelling constructed to the Township's adopted building code which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

Motel and Hotel. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

Motor Vehicle. Every vehicle which is self-propelled.

Nonconforming Building or Structure. A structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated.

Nonconforming Lot Or Parcel. A lot or parcel of land lawfully created that does not conform to the requirements of the district in which it is situated.

Nonconforming Use. A use which existed prior to the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

Ordinary High Water Mark. The line between upland and bottomland that persists through successive changes in the water level, 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. Delineation of the ordinary high water mark entails the identification of indicators on the bank of a lake or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line on exposed earth on the bank (from constant erosion) and terrestrial vegetation. On any stream where the ordinary high water mark cannot be found, the top of the lowest stream bank on either side of stream shall substitute. In braided channels, the ordinary high water mark or line of mean high water shall be

measured so as to include the entire stream feature. (See Figure 3-8). On an inland lake that has a level established by law, it means the high established level.

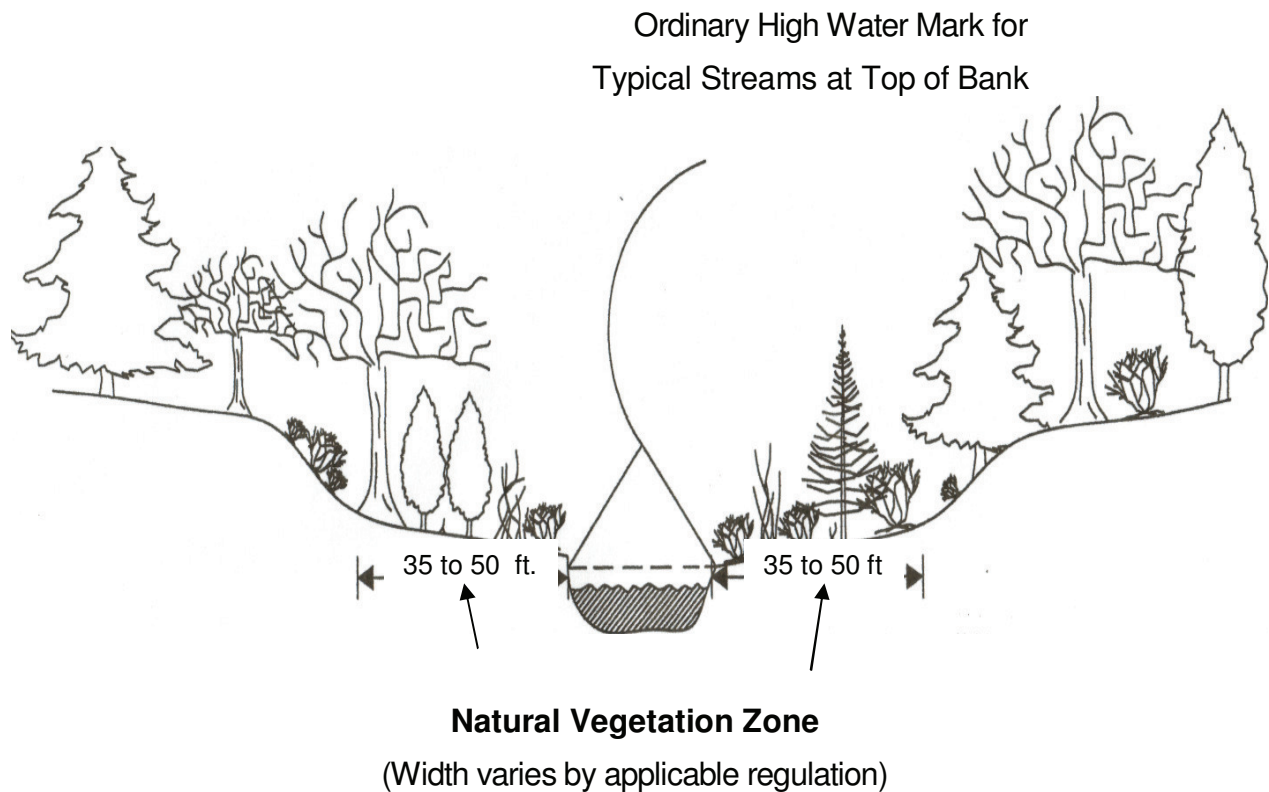


Figure 3-8

Outdoor Furnaces. A furnace, stove or boiler that is not located within a building or structure designed for, or capable of being occupied by, inhabited by or containing individuals or domestic animals as part its designed purpose but that provides heat or hot water for such building or structure.

Outdoor Lighting. The following terms and definitions pertain to the outdoor lighting provisions of Chapter 22.

- (a) Average Illumination Levels. The overall average of all points on the surface of the illuminated area including the brightest and the dimmest points.
- (b) Cut-Off-Angle. The angle between the vertical axis of a luminaire and the first line of sight (of a luminaire) at which the light source is no longer visible.
- (c) Cut-off Fixtures. Cut-off fixtures control glare by directing light well below the horizon, out of the viewer's line of sight.
- (d) Floodlight. A light fixture designed to light a scene or object to a level greater than its surroundings. The beam of floodlights may range from narrow field angles of 10 degrees to wide angles (more than 100 degrees).
- (e) Flush Mounted or Recessed Luminaire. A luminaire that is mounted above a ceiling (or

behind a wall or other surface) with the opening of the luminaire level with the surface.

- (f) **Foot candle.** A measure of light falling on a given surface. One foot candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. Foot candle may be measured both horizontally and vertically by a light meter.
- (g) **Glare.** The condition that results from insufficiently shielded light sources or areas of excessive light within the field of view.
- (h) **Illuminating Engineering Society of North America (IESNA)** An association of professionals in the field of lighting and related professions.
- (i) **Luminaire.** A complete lighting unit, often referred to as a fixture.
- (j) **Lumen.** A measure of light energy generated by a light source. Manufacturers list lumen ratings for all their lamps. Average lumen levels are slightly lower than initial lumen ratings.
- (k) **Maximum to Minimum Illumination Ratio.** The ratio of the maximum illumination level to the minimum level.
- (l) **Mounting Height.** The vertical distance between the surface to be illuminated and the bottom of the light source.
- (m) **Uniformity Ratio.** The ratio of average illumination to minimum illumination.

Parking Area, Space Or Lot. An off-street open area including designated parking spaces, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customer, visitors, or employees. Parking areas shall include access drive within the actual parking areas. Parking areas, parking spaces and parking lots shall be subject to the regulations of Chapter 23.

Parking Bay. A hard surface area adjacent and connected to, but distinct from, a street intended for parking motor vehicles.

Pier. Concrete posts embedded in the ground to a depth below the front line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

Planning Commission. The Heath Township Planning Commission.

Principal Or Main Use. The primary or predominate use of a lot.

Recreational Vehicle Or Unit. A vehicular type structure designed primarily 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 which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers. Recreational units shall also include, but shall not be limited to the following: boats, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, horse trailers, and similar equipment

Right-Of-Way. A street, alley or other thoroughfare or easement public or private permanently established for passage of persons or vehicles.

Roadside Market Stand. See "Farm Market"

Signs And Billboards.

- (a) Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.
- (b) Banner - a sign containing a commercial message produced on lightweight flexible fabric, such as canvas, cloth, paper or similar material, that is mounted to a pole or a building at one (1) or more edges, and which is more or less subject to movement by the wind. National, state, municipal, corporate or educational institution flags are not be considered banners.
- (c) Billboard - Any off premise sign, structure or portion thereof on which a lettered message or figured or pictorial matter is displayed that is not related to the premises or the nature of the business or activity conducted thereon This definition shall not be held to include any sign used for official notices issued by a court or public body.
- (d) Commercial Message -Words, symbols, logos, pictures or any combination thereof that identify which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee
- (e) Directional sign - incidental on-premise sign, the sole purpose of which is to guide pedestrians or vehicular traffic.
- (f) Electronic Message Display – A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. The following additional terms are used to describe various aspects of electronic message display:

Dissolve – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Electronic Changeable copy – Where a sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs could include projected images or messages with these characteristics onto buildings or other objects.

Electronic graphic display – Where a sign or portion thereof displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs could include projected images or messages with these characteristics onto buildings or other objects.

Fade – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame – a complete, static display screen on an Electronic Message Display.

Frame Effect – A visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.

Multi-vision display -A Where a sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

Scroll – A mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

Transition – A visual effect used on an Electronic Message Display to change from one message to another.

Travel– A mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

Video display –Where a sign changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

- (g) *Flashing sign*. A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling or sparkling.
- (h) *Freestanding Sign*. A freestanding sign is a sign which is supported by poles or posts. Freestanding signs are also sometimes called ground signs.
- (i) *Identification Signs*. A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.
- (j) *Illuminated Signs*. A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- (k) *Incidental sign*. a small sign, placard, emblem or decal whose purpose is secondary to the use of the lot or is explanatory in nature. Such signs as defined herein may include

identifying signs, nameplate signs, directional signs, for sale signs, garage sale signs, small political signs and similar small temporary signs.

- (l) Institutional Reader Board. A sign containing a surface area upon which is displayed noncommercial message such as the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.
- (m) Marquee Signs. An identification sign attached to a marquee, canopy or awning projecting from and supported by the building.
- (n) Monument Sign. A monument sign is a sign which with a base affixed to the ground where the base is at least ½ the horizontal length of the monument. A monument sign is classified as a type of freestanding sign.
- (o) Nameplate. A non-illuminated, on-premise incidental sign giving only the name, address and/or occupation of an occupant or group of occupants.
- (p) Off-Premises Sign. A sign which directs attention to an establishment, service, product or activity not conducted on the same lot.
- (q) On-Premise Sign. A sign which directs attention to an establishment, service, product or activity found on the same lot where the sign is located.
- (r) Pole Signs. A free standing sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and have a sign area not more than 100 square feet from the ground to the bottom of the sign.
- (s) Political sign. a temporary sign whose message relates to the election of a person to a public office, or to a political party, or to a public issue which shall be voted on at an election called by a public body, or to an opinion.
- (t) Portable Signs. Any sign or graphic that can be readily moved from place to place and is not permanently anchored or secured to either a building or the ground.
- (u) Projecting Signs. A sign which projects from and is supported by a wall of a building and does not extend beyond or into and over street right-of-way.
- (v) Real Estate Signs. A temporary sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease. Altering such signs after sale, rent or lease is consummated to reflect that said real estate was sold, rented or leased by a particular individual, firm or corporation shall not be permitted.
- (w) Roof Signs. Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- (x) Subdivision Sign. A sign having a noncommercial message placed at the primary entrance to a subdivision, containing information only about the subdivision. This term also refers to signs at the primary entrance to a mobile home park. Such signs being without moving part, not higher than ten (10) feet from the ground and no closer than twenty (20) feet to any public right-of-way line.

- (y) **Temporary Signs.** A sign, banner other advertising device displayed for a fixed, terminable length of time. Temporary signs are intended to be removed after the temporary purpose has been served. Included are for sale, lease or rent signs, political signs, service signs, special-event signs, construction signs, directional signs to special or temporary events and signs of a similar nature. Temporary signs advertise municipal or civic projects, construction projects, real estate, a commercial grand opening, political candidates, or other special events on a temporary basis. Political signs and portable signs (e.g. sandwich board signs) are also examples of temporary signs.
- (z) **Wall Signs** - A sign which is attached directly to or painted upon a building wall and which does not extend more than thirteen (13) inches from the wall nor more than five (5) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall.

Street, Public. A publicly owned and maintained right-of-way or privately owned road which affords traffic circulation and principal means of access to abutting property, including any avenue place, way, drive, land, boulevard, highway, road or other thoroughfare, except and alley.

Street, Private (Private Road). Any road or thoroughfare for vehicular traffic contained within a private road easement which is privately owned and maintained and which provides the principal means of access to four or more parcels abutting the private road easement. Note: An access path (driveway) serving as few as two lots or parcels shall under the provisions of this ordinance be regulated as a private road when the required minimum lot frontage for two or more lots is not met along the public or private street from which the access path extends. Private Streets/private roads and driveways are subject to the regulations of Section Chapter 25.

Street Easement, Private (Right-Of-Way). An irrevocable easement running with the land granted to the owners of adjacent properties which contains or is intended to contain a private street which is not dedicated for general public use.

Stable, Commercial. A structure or place that is used for the shelter or care of horses or other livestock. A commercial stable is a stable where the shelter, care, training or use of the animal is provided as a service to others for profit or without profit.

Stable, Private. An accessory building, structure or area designed, intended or used for the keeping of horses or other livestock for the exclusive use of the land owner or occupants of a dwelling located on the same lot or parcel.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground. The word “structure” shall not apply to fences, or wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground.

Tent. Any structure primarily of canvas, paper, cardboard, building board, cloth, rubber or like type of material designed for either temporary or permanent shelter.

Tourist Home. A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in it's home for compensation, mainly for transients.

Tower. Any ground or roof mounted pole, spire, structure or combination thereof taller than fifteen feet, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar device above grade.

Township Board. The Heath Township Board.

Township. Heath Township, Allegan County, Michigan.

Trailer Coach Park Act. Michigan Act 243 of 1959, as amended.

Travel Trailer. A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

Vehicle. Every device in, upon, or by which any person or property is or may be transported drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

Wetland. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is contiguous to an inland lake, a river or stream.

Wind Turbines/Wind Energy Systems. The following terms and their definitions pertain to the regulation of wind energy systems.

- (a) Anemometer. A wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices, that are used to monitor or transmit wind speed and characterize the wind resource at a given location.
- (b) Applicant. The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s) and/or transferee(s) to any approved Wind Energy System (WES). An applicant must have the legal authority to represent and bind the landowner(s) or lessee(s) who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be jointly and severally with the land owner(s), the owner(s) of the WES and the operator or lessee of the WES if different than the owner.
- (c) Building Mounted Wind Energy System (WES). A WES mounted or attached to an existing structure or building.
- (d) Cooperative Wind Energy System Site. A WES site created with the mutual consent of two or more adjacent property owners, comprised of an easement encompassing all or portions of two or more adjacent lots or parcels. A cooperative WES site meeting the standards of this section may support an on site WES or a WES for commercial purposes.
- (e) Nacelle. In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train and other components.
- (f) On Site Use Wind Energy System. A Wind Energy System (WES) with a main purpose of providing energy to the property where the WES structure is located, or to adjacent

properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.

- (g) Shadow Flicker. Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.
- (h) Single Wind Energy System for Commercial Purposes. A single WES placed upon a lot or parcel with the main purpose of generating electricity for sale or otherwise, to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
- (i) Tower Mounted Wind Energy System. A WES mounted or attached to a tower, pole or similar structure which is not a building.
- (j) Utility Grid Wind Energy Systems. A WES interconnected with the electricity distribution system.
- (k) Wind Energy System (WES). Wind Energy System (WES) shall mean any combination of the following: (Note: For purposes of this section a windmill traditionally used to pump water shall not be considered a Wind Energy System.)
 - (1) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
 - (2) A surface area such as a blade, rotor or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
 - (3) A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator or other electricity-producing device;
 - (4) The generator, alternator or other device to convert the mechanical energy of the surface area into electrical energy; and any temporary anemometer constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site prior to the installation of a wind energy turbine.
 - (5) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted;
- (l) WES Height. The distance from the ground at normal grade and the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.
- (m) WES Setback. The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.
- (n) Wind Farm. Clusters of two or more WES placed upon a parcel or parcels with a purpose of generating electricity to a site or location other than the premises upon which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

Yard. A required open space other than a courtyard, on the same lot with a building or group of buildings unoccupied and unobstructed by any building or structure or portion thereof except as otherwise permitted in this ordinance. The minimum building setback is the

minimum depth of a front, side or rear yard, exclusive of steps, necessary to conform to the required yard provisions of this ordinance. Structures not considered buildings, such as fences, walls, poles and posts under 30 inches in height above general ground level, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

- (a) Yard - Front. A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure, including porches but excluding steps. In the case of waterfront lots, the yard fronting on the street is considered the front yard.
- (b) Yard - Rear. A yard unoccupied except for permitted accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and nearest part of the main building wall or nearest roof support structure, including porches but excluding steps, which ever is closer.
- (c) Yard - Side. A yard between a main building wall and the side lot line extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building wall or nearest roof support structure, including porches but excluding steps, which ever is closer.

Zoning Act. The Michigan Zoning Enabling Act (ZEA) P.A. 110 of 2006 (MCL 125.3101, et seq).