

**ARTICLE 3**  
**DEFINITIONS**

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**Sec. 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 Article the headings which title a Article, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions 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 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 a natural person.
- g) The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “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.

**Sec. 3.02 SPECIFIC TERMS**

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.

**ABANDONMENT**

Except in the case of gravel pits existing at the time of adoption of this Ordinance, the cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

**ACCESS**

A way of approaching or entering a property. For purposes of this ordinance, all lots of record shall have access to a public street or highway or to a private street meeting the Otsego Township Road Construction Standards defined within this Ordinance.

**ACCESSORY BUILDING or ACCESSORY STRUCTURE**

Any unattached subordinate building or structure, such as a private garage which is incidental to that of the main building, located on the same lot as the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use. When an ACCESSORY BUILDING or ACCESSORY STRUCTURE is attached to a main building by a wall or roof, the building shall be considered part of a main building for the purpose of determining the required dimensions of yard. The term ACCESSORY STRUCTURE also is specifically intended to include satellite antenna receivers.

**ACCESSORY USE**

Any use customarily incidental and subordinate to the main use of the premises.

**ACRE**

A measure of land area containing 43,560 square feet.

**ADDITION**

A structure added to the original structure at some time after the completion of the original.

**ADULT ENTERTAINMENT/BUSINESS**

- a) Adult Bookstore: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the items set out in subsection (1) or (2):

- 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.
  - 3) The sale of such materials shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.
- b) Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
- 1) Persons who appear in the 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;
- 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 Entertainment Booking Agency: A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of specified anatomical areas or by specified sexual activities.
- e) Adult Motion Picture Theater: A commercial establishment, which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media, that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. This definition includes commercial establishments that offer individual viewing booths.
- f) 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.
- g) Dating Service: A business engaged in, for financial remuneration, either directly or indirectly, where the operator arranges to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the Dating Service, or similar operation.
- h) Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.

- i) Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- j) License: An official permit from the Township to allow an activity or activities as may be required by this article.
- k) Massage: The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids.
- l) 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 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 such 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.
- 4) Myomassaologists who meet the following criteria: 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 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.

- m) Massage School: Any place or establishment or facility which provides instruction, theory, method and practice of massage. "Massage School" 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 such 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.
  - 4) Myomassaologists who meet the following criteria: 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 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.
- n) 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.
- o) Operator: Any person who engages in the practice of or performs a massage.



- p) Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment or promise of payment of an admission fee, any individuals' genitals or anus with less than a fully opaque covering, or a female individuals' breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
- 1) A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
  - 2) Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Sections 752.362 of the Michigan Compiled Laws.
  - 3) Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.
- q) Sexual Encounter Center: A business or commercial enterprise that, as one 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 or more of the persons is in a state of nudity.
- r) Sexually Oriented Business: A business or commercial enterprise engaging in any of the following businesses: (1) adult bookstore; (2) adult cabaret; (3) adult entertainment booking agency; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) dating service; (8) escort agency; (9) massage parlor; (10) massage school; (11) nude model studio; and (12) sexual encounter center.
- s) Specified Anatomical Areas: Defined as the following:
- 1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breasts at or below the top of the areola; and

- 2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.
- t) Specified Sexual Activities: includes any of the following:
  - 1) The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - 2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
  - 3) Sexual arousal or gratification using animals or violence, actual or simulated;
  - 4) Masturbation, actual or simulated; or
  - 5) Excretory functions as part of or in connection with any of the activities-set forth in 1), 2), 3), or 4).

**ADULT FOSTER CARE HOME**

A private home licensed by the State government for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home 7 to 20.

**AGRICULTURE**

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

**ALLEY**

A public way which affords only secondary access to abutting property, and not a STREET as defined.

**ALTERATION OF BUILDING**

A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.

**AMORTIZATION**

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

**ANIMAL (LARGE)**

A large animal shall mean a horse, cow, sheep, goat, pig, ostrich, or similar size fowl, or other similar creatures which are also associated with traditional farming or animal husbandry purposes.

**ANIMAL (SMALL)**

A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other nonhuman creature that can be kept in a relatively small or confined space and normally treated as a pet.

**ANIMAL HOSPITAL** see KENNEL**APARTMENT HOUSE**

A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

- a) Efficiency Apartment (Studio) - Is a dwelling unit consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
- b) One Bedroom Unit - Is a dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.
- c) Two Bedroom Unit - Is a dwelling unit consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
- d) Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area to the minimum floor area as required by the Ordinance. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

**APPEALS**

The process, as prescribed in the ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

**APPLICANT**

A person or entity submitting an application for review and action by the Township or any of its departments or commissions.

**APPROVED PLAN**

A plan which has been granted final approval by the appropriate approving authority.

**APPROVING AUTHORITY**

The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of plans and applications.

**AREA** see LOT AREA

**ATTACHED**

Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

**ATTACHED GARAGE**

An outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

**AUTOMOBILE OR VEHICLE REPAIR-MAJOR**

General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

**AUTOMOBILE OR VEHICLE REPAIR-MINOR**

Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding two tons capacity, but not including any operation specified under "automobile repair-major."

**AUTOMOBILE OR VEHICLE SALES AREA**

An area used for the display, sales and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or mobile homes all in operable condition.

**AUTOMOBILE SALVAGE**

The dismantling or disassembling of used motor vehicles or trailers; the storage, sale, or dumping of dismantled or partially dismantled, or wrecked vehicles or their parts.

**AUTOMOBILE SERVICE STATION OR FILLING STATION**

A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises. A service station may include automobile vehicle repair.

**AUTOMOBILE WASHING ESTABLISHMENT**

A building or portion thereof, where motor vehicles are washed as a commercial enterprise, or where facilities are available for the self-service cleaning of motor vehicles, including automatic car wash.

**BANK**

A financial institution.

**BASEMENT**

A room or portion thereof, or any portion of a building which has a floor level more than three feet below ground containing any of the following features.

- 1) Mechanical equipment such as heating, metering, or laundry facilities.
- 2) No doorway opening directly to ground level or upon a hallway with such a doorway.
- 3) No sash windows.

**BED AND BREAKFAST OPERATIONS**

A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and board in return for payment, and which does not provide separate cooking facilities for such guests.

**BERM, OBSCURING**

An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this ordinance.

**BILLBOARD:** See SIGNS.

Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

**BOARD OF APPEALS, ZONING**

The Zoning Board of Appeals of the Township of Otsego.

**BOARDING HOUSE or ROOMING HOUSE**

A dwelling having one kitchen and used for the purpose of providing meals or lodging for pay or compensation of any kind to more than two persons other than members of the family occupying the dwelling.

**BOTTOM LAND**

The land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water as per P.A. 346 of 1972 (Inland Lakes and Streams Act).

**BUILDABLE AREA**

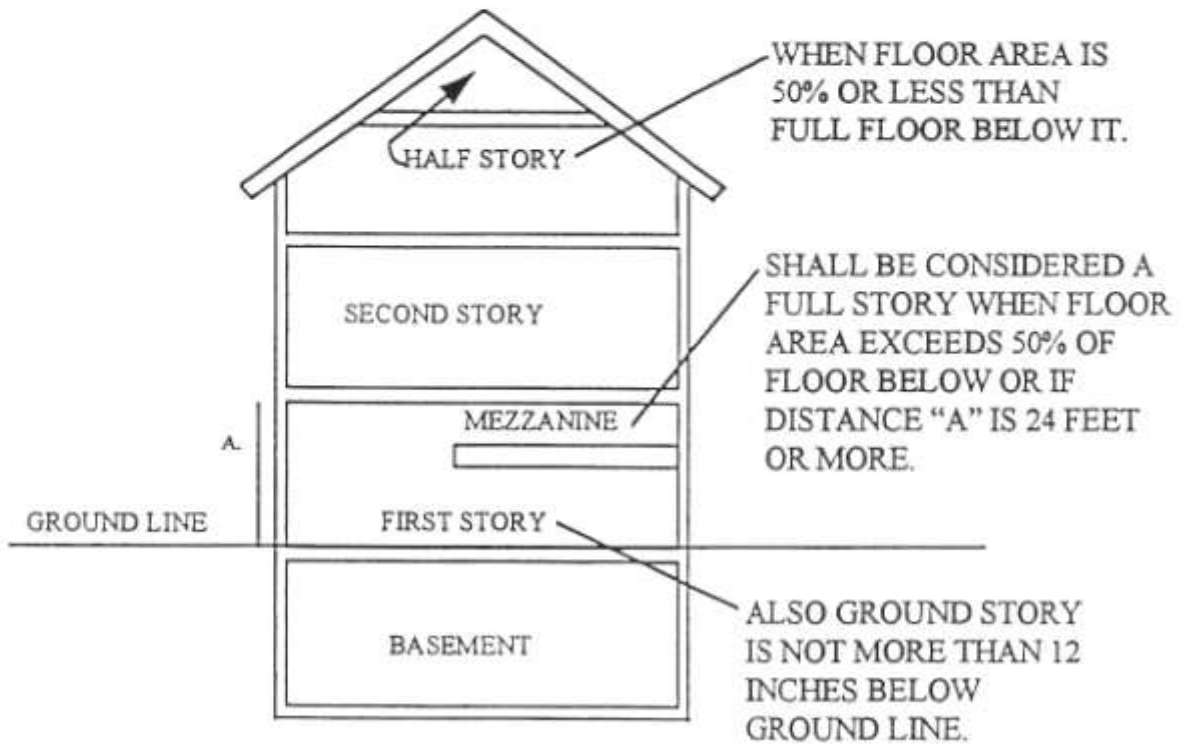
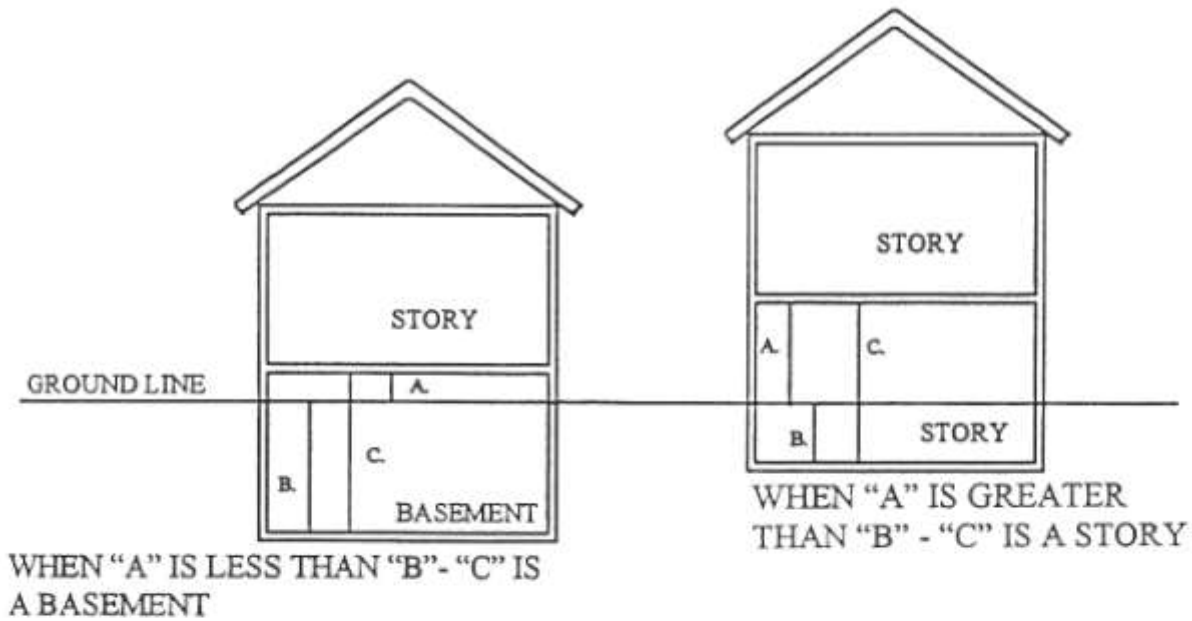
The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

**BUILDING**

Anything which is constructed or erected, including a mobile or manufactured home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or similar uses.

**BUILDING COVERAGE**

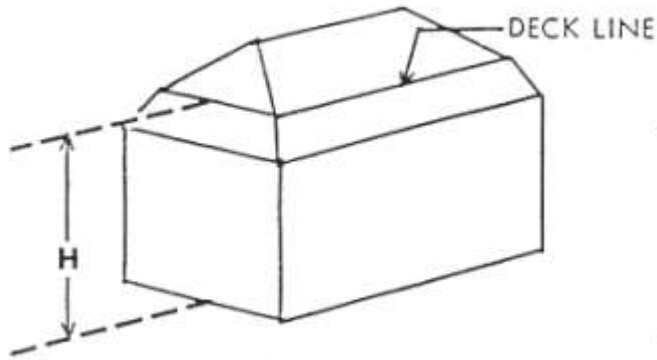
The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.



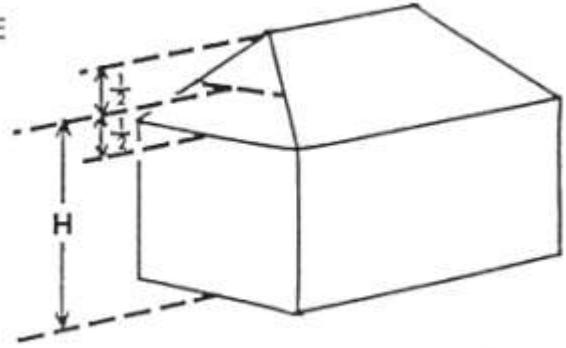
STRUCTURAL TERMINOLOGY



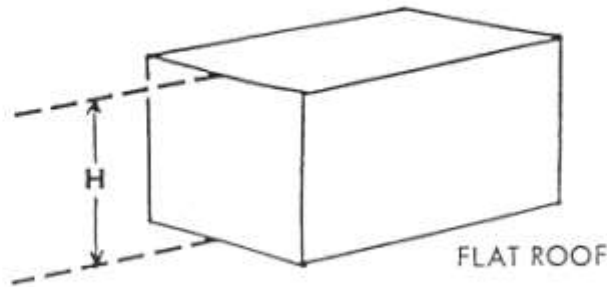
# BUILDING HEIGHT REQUIREMENTS



MANSARD ROOF

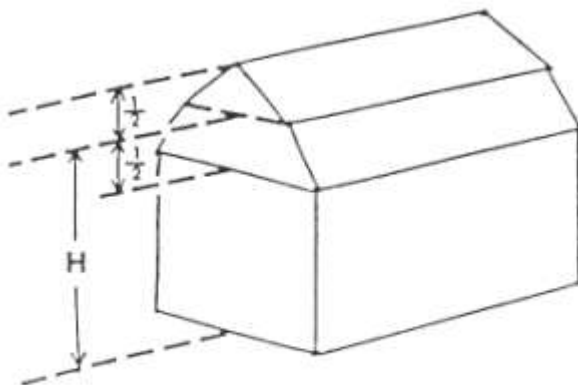


HIP ROOF

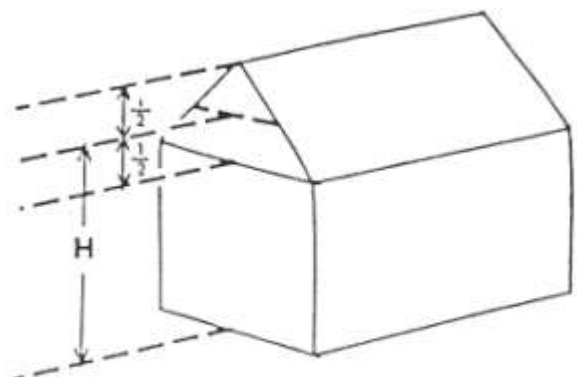


FLAT ROOF

GAMBREL ROOF



GABLE ROOF



H = Height of Building

**BUILDING HEIGHT**

The vertical distance measured from grade of the building 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. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall.

**BUILDING, MAIN OR PRINCIPAL**

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

**BUILDING OFFICIAL**

The Building Inspector of the Township or his authorized representative.

**BUILDING PERMIT**

A permit signifying compliance with the provisions of this ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Township of Otsego.

**BUILDING SETBACK: See YARD.****BUSINESS OR COMMERCE**

Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

**BUSINESS SERVICES**

Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, including but not limited to services such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

**CAMPGROUND**

A publicly or privately owned facility used for overnight camping and recreational purposes. A campground may contain spaces for tents, motor homes and camping trailers.

**CARRY-OUT RESTAURANT**

An establishment which, by design of physical facilities or by service or packaging procedures, permits, or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

**CEMETERY**

Any public cemetery owned, managed or controlled by the Township and any cemetery located within the Township.

**CERTIFICATE OF OCCUPANCY**

A document issued by the proper authority (Building Official and Zoning Administrator) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

**CERTIFICATION OF COMPLETION**

A signed written statement by the Building Department that specific construction has been inspected and found to comply with all grading and building plans and specifications.

**CHANGE OF USE**

Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

**CHILD CARE ORGANIZATION**

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State government. Such organizations shall be further defined as follows:

- a) "Child care center" or "day care center" means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. "Child care center" or "day care center" does not include a school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b) "Foster family home" is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c) "Foster family group home" means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d) "Family day care home" means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

- e) "Group day care home" means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

### **CHURCH/SYNAGOGUE/MOSQUE**

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

### **CLUSTER**

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

### **COMMERCIAL**

A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than 14 days during any 12 month period.

### **COMMERCIAL RECREATION**

Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.

**COMMUNITY CENTER**

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

**COMPREHENSIVE PLAN**

A comprehensive, long-range plan intended to guide the growth and development of the Township and includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

**CONDOMINIUM**

Is the manner in which real property is owned. It is a combination of ownership in fee simple of the interior space of a townhouse or apartment plus an undivided ownership, in common with other purchasers, of the common elements in the structure, including the land and its appurtenances.

**CONSTRUCTION**

The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

**CONTIGUOUS**

Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

**CONVALESCENT OR NURSING HOME**

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State Law.

**CORNER LOT** see LOT, CORNER**COVERAGE** see LOT COVERAGE**CUL-DE-SAC**

A street with a single, common ingress and egress and with a turnaround at the end.

**DAY CARE FACILITY** see CHILD CARE ORGANIZATION

**DEVELOPMENT**

The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS**

Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- a) A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit.
- b) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

**DISTRICT**

A portion of Otsego Township in which certain building types and activities are permitted and in which certain regulations, in accordance with this Ordinance, are applicable.

**DWELLINGS, SINGLE FAMILY ATTACHED**

A group of three (3) or more single family dwelling units which are joined consecutively by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance. For the purposes of this Ordinance, dwellings such as semi-detached and rowhouses, shall be deemed a single family attached dwelling.

**DWELLING, SINGLE FAMILY DETACHED**

A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

**DWELLING, TWO (2) FAMILY**

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

**DWELLING, MULTIPLE FAMILY**

A building or portion thereof, used or designed for occupancy by more than two (2) families living independently of each other. This definition does not include single family attached dwellings or two-family dwellings.

**DWELLING, GROUP (Congregate Living)**

A building or group of buildings designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

**DWELLING OR DWELLING UNIT**

Any building or portion thereof, mobile home, pre-manufactured or pre-cut structure which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families (but not including motels, hotels, tourist rooms or cabins) complying with the following standards:

- a) Minimum living area of 750 square feet for one or two-bedroom dwelling plus 150 square feet of additional living area for each additional bedroom beyond two.
- b) It has as minimum width across any front, side or rear elevation of twenty (20) feet and minimum of twenty (20) feet in length and complies in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township code, then in that event such federal or state standard or regulation shall apply.
- c) Each mobile home shall be provided with a continuous pad of four-inch thick concrete running the full length and width of the mobile home. Footings shall be in



compliance with Michigan State Building Code under the frame area the entire length of the pad. In addition, each mobile home shall be secured to the premises by an anchoring system or device at each corner and not to exceed each 20 feet of length between each anchor on each side of said mobile home. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view, skirting shall be aesthetically compatible with said mobile home and shall be constructed of block, concrete, metal, fiberglass, wood siding or any generally accepted building material, and conforming to the rules and standards set forth in the rules of the Michigan Mobile Home Commission, promulgated under 1976 Act 419, as amended.

- d) Aesthetically compatible in design and appearance to dwellings in the surrounding area.
- e) Must contain permanently attached steps connected to exterior door areas or to porches connected to exterior door areas where a difference in elevation requires the same.
- f) Mobile homes must comply with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards (14 CFR 3208), and as from time to time amended. No mobile home manufactured more than nine (9) years prior to date of installation shall be allowed.
- g) Properly maintained against deterioration and/or damage from the elements.
- h) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park.

**DWELLING, UNDERGROUND**

See UNDERGROUND HOMES definition.

**EASEMENT**

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

**EGRESS (EXIT)**

An exit from a building or site.

**EMISSION**

A discharge of pollutants into the air.

**ENVIRONMENTALLY SENSITIVE AREA**

An area with one or more of the following characteristics.

- a) Slopes in excess of 20 percent
- b) Floodplain
- c) Soils classified as having a high water table
- d) Soils classified as highly erodible, subject to erosion, or highly acidic
- e) Land incapable of meeting percolation requirements
- f) Land formerly used for landfill operations or hazardous industrial uses
- g) Fault areas
- h) Stream corridors
- i) Estuaries
- j) Mature stands of native vegetation
- k) Aquifer recharge and discharge areas

**EROSION**

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

**ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance of public utilities by municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission, or distribution systems, collection, communication, supply, or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchanges and/or repeater buildings, electric substations, gas regulators, stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the

furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

**ESTABLISHMENT**

An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

**EXCAVATION**

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

**FAMILY**

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

**FARM**

Any area of two and one-half (2-1/2) acres or more, used for agricultural purposes and uses incidental thereto. However, the incidental uses shall be subordinate to normal agricultural uses and shall not include commercial feeding of offal or garbage to animals.

**FARM STAND**

A booth or stall located on a farm, from which produce and farm products are sold to the general public.

**FAST FOOD RESTAURANT**

Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- a) Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers.
- b) More than 45 percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

**FENCE**

A permanent or temporary partition erected as a divider, barrier, or screening between two or more properties or to serve as an on-site enclosure (for animals or to hide from view such items as dumpsters or propane tanks).

**FILLING**

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

**FILLING STATION** see AUTOMOBILE SERVICE STATION

**FINAL APPROVAL**

The last official action of the Planning Commission or Board of Zoning Appeals taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees properly posted for their installation, or approval conditioned upon the posting thereof.

**FLEA MARKET**

An occasional or periodic market held in an open area or structure, where groups of individual sellers offer goods for sale to the public.

**FLOODPLAIN**

- a) **Area of special flood hazard** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- b) **Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year.
- c) **Development** means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- d) **Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal water; (2) the unusual and rapid accumulation of runoff of surface waters from any source.
- e) **Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.
- f) **Harmful increase** means an unnaturally high stage on a river, stream, or lake which causes or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
- g) **New construction** means structures for which the “start of construction” commenced on or after the effective date of this Ordinance.
- h) **Structure** means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.
- i) **Substantial improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds the State Equalized Valuation of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred.  
For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include (1) any project for improvement of a structure in order to comply with existing state or local health, sanitary or safety

code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

### FLOOR AREA

- a) **Floor Area, Gross.** 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 center line of walls separating two (2) buildings. The “floor area” of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (See Basement definition). Any space devoted to off-street parking or loading shall not be included in “floor area”. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.
- b) **Floor Area, Usable.** The measurement of usable floor area shall include that portion of floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

### FOOTCANDLE

The illumination level proportional to the number of lumens (quantity of light) per square foot of work surface.

### FUNERAL HOME

A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

**GARAGES**

Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire, or sale, and where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

**GARAGE, PRIVATE**

A use accessory to a principal use without fee.

**GARAGE, PUBLIC**

A public building used for the care, repair or storage of automobiles.

**GARBAGE**

Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

**GASOLINE SERVICE STATION** see AUTOMOBILE SERVICE STATION**GLARE**

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GOLF COURSE**

A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

**GRADE**

The established grade of the street or sidewalk shall be the elevation of the curb at the mid-point of the front of the lot. The elevation is established by the Building Inspector.

**GRADING**

Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

**GREENBELT OR BUFFER STRIP**

The strip of land not less than ten (10) feet in width which is planted and maintained with trees acceptable to the Building Inspector of from five (5) to six (6) feet in height, spaced not more than ten (10) feet apart; or a hedge row of suitable shrubs not more than four (4) feet in height.

**GREENHOUSE**

A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

**GROSS USABLE AREA**

The total area in a mobile home park which is suitable for development exclusive of swamps, steep slopes, or other natural or man-made limitations.

**GROUP CARE FACILITIES** see DWELLINGS (GROUP)**GUEST HOUSE**

A building used as an accessory dwelling to a single family unit for the temporary use of guests. A guest house may or may not contain kitchen and/or bathroom facilities, and shall not be rented or leased.

**HAZARDOUS MATERIALS**

Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

**HEALTH CARE (SERVICES) FACILITIES**

A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity



hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services; and bioanalytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer. Provides out-patient care, no overnight stay, except for hospitals.

**HIGHWAY**

A public thoroughfare or street maintained and regulated by Federal or State agencies.

**HOME OCCUPATIONS**

A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place. Home occupations may include any profession, vocation, or trade and must comply with Article 18 – Site Plan Review Procedures/Special Use Requirements.

**HOSPITAL** see HEALTH CARE FACILITIES

**HOTEL** see MOTEL

**IMPERVIOUS SURFACE**

Any material which reduces and prevents the absorption of stormwater into previously undeveloped land.

**INFRASTRUCTURE**

Facilities and services needed to sustain industry, residential and commercial activities.

**INGRESS**

Access or entry.

**INSTITUTIONAL AND PUBLIC USES**

Churches, schools, hospitals, intermediate care or skilled nursing facilities, public or quasi- public non-profit uses, community facilities, parks and playground.

**INTERSECTION**

The point where two or more roads cross at grade.

**JUNK MOTOR VEHICLE**

An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or Township laws or ordinances.

**JUNK** See Trash

**JUNK YARD**

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

**KENNEL or ANIMAL HOSPITAL**

Any building or land used for the sale, boarding, treatment, or breeding of dogs, cats, or other household pets as a business.

**LAND USE**

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

**LAND USE PLAN**

A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

**LAUNDROMAT**

An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.

**LIBRARIES**

Institutions for the storage and circulation of books, compact discs, video tapes and other materials for use by the general public.

**LITTER** See Trash.

**LOADING BERTH**

An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

**LOT**

A plat, plot or parcel of land occupied, or designed to be occupied, by one (1) building, and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat. If more than one (1) lot of record is held in common ownership and said lots are contiguous, undeveloped and substandard in size to the minimum lot size in the zoning district, they shall, for the purpose of this Ordinance, be held as one (1) lot or as many lots as shall leave no lot substandard.

**LOT AREA**

The total horizontal area included within the lot lines. Where the front lot line is the centerline of a street, or where a portion of a lot lies within a street right-of-way, the lot area calculated to meet the requirements of this Ordinance shall not include that area inside the street right-of-way.

**LOT, CORNER**

A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

**LOT COVERAGE**

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences or swimming pools.

**LOT, FLAG**

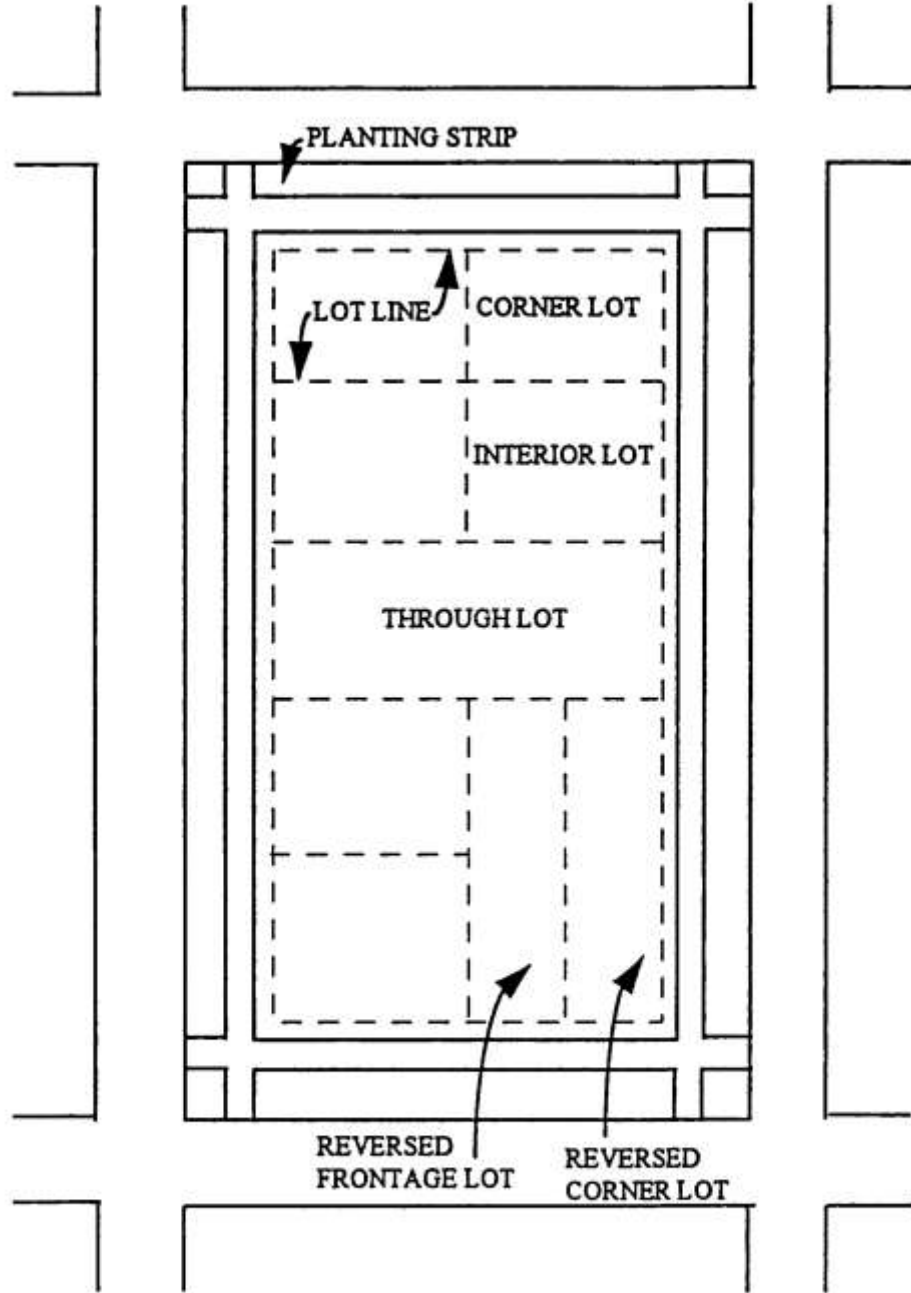
A lot which has less than the required minimum road frontage on a public or private road, which is reached via a private drive, and whose width some distance back from the right-of-way meets all Ordinance requirements. Flag lots shall not be permitted.

**LOT LINE**

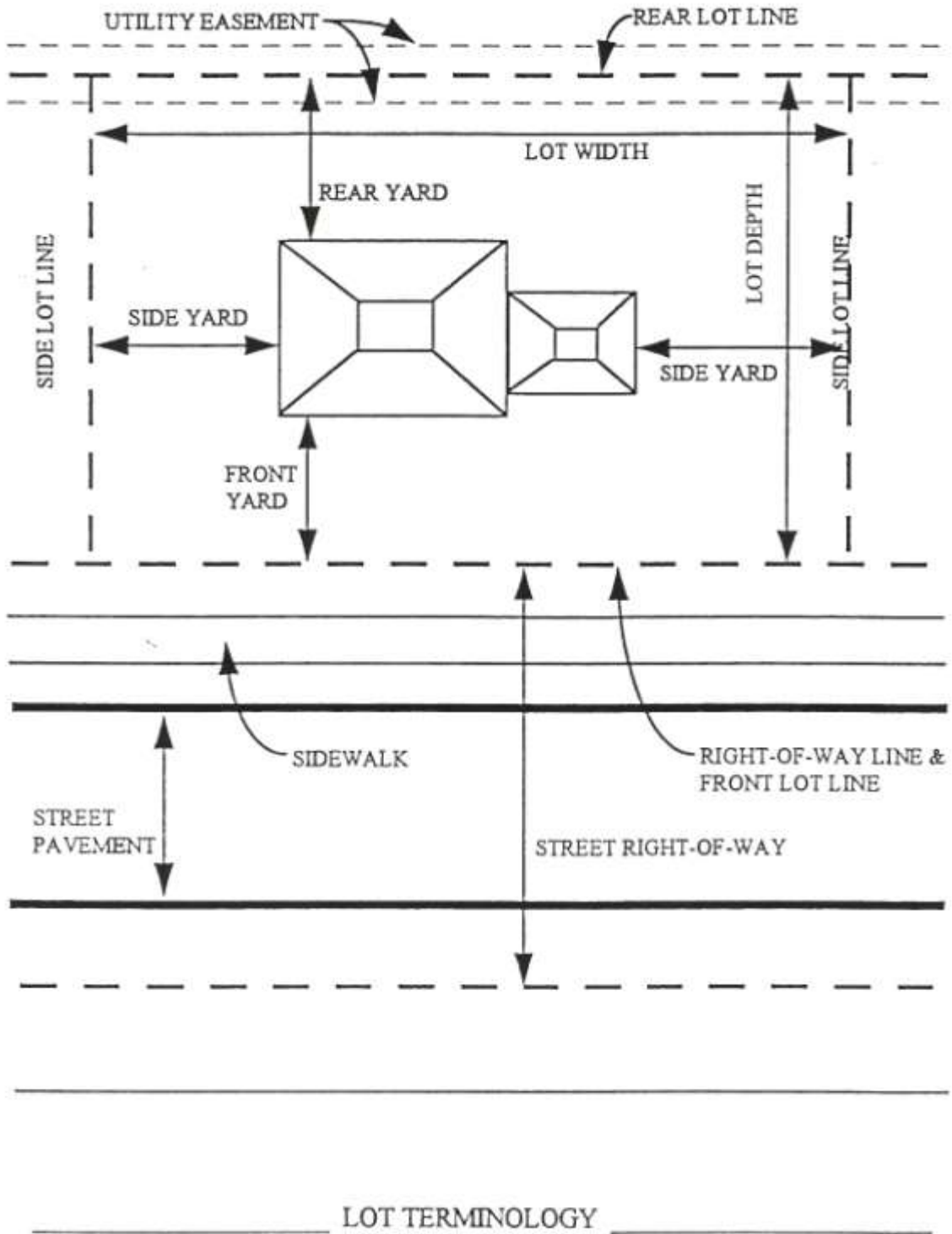
A boundary line of a lot.

**LOT LINE, FRONT**

The exterior line or right-of-way of a road on which a lot fronts or abuts.



TYPES OF LOTS



**LOT LINE, REAR**

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

**MANUFACTURED HOME**

A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law.

**MASTER PLAN** see COMPREHENSIVE PLAN

**MEDICAL OFFICE** see HEALTH CARE FACILITY

**MIXED USE ZONING**

Regulations which permit a combination of different uses within a single development, under special regulations.

**MOBILE HOME**

A movable or portable structure constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

- a) **Single Wide** - a mobile home with a width of no greater than fourteen (14) feet for its full length. Except in a mobile home park, a single wide mobile home does not meet the definition of a dwelling unit as specified in this Ordinance.
- b) **Double Wide** - a combination of two (2) mobile homes designed and constructed to be connected along the lengthwise axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

**MOBILE HOME PARK**

A parcel of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public

for that purpose, regardless whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

**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 the occupants of such mobile home.

**MOBILE HOME SUBDIVISION**

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

**MODULAR**

A structure which meets the requirements of the B.O.C.A. building and construction code, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to B.O.C.A., the characteristics of a modular are:

- a) A pitched roof of heavy truss construction able to support a “dead-weight” of at least forty (40) pounds per square foot, and having roof shingling of five (5) inch exposure;
- b) A heavy deck flooring of wood on two (2) by eight (8) floor joists;
- c) A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof; and
- d) Establishment on a poured wall or cement block and mortar foundation.

**MOTELS, HOTEL, OR MOTOR HOTEL.**

A building or a series of attached, semi-detached, or detached rental units providing long-term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the Planning Commission with the exception of units for use of the Manager and/or Caretaker.



**MOTOR HOME**

A self-propelled motor vehicle designed as self-contained living quarters and intended only for short-term occupancy.

**MOTOR VEHICLE**

Every vehicle which is self-propelled.

**NONCONFORMING LOT**

A lot, the area, dimensions or location of which was lawful prior to adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendments, to conform to current requirements of the zoning district.

**NONCONFORMING STRUCTURE**

A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

**NONCONFORMING USE**

A use lawfully existing in a building or on land at the effective date of this Ordinance or affecting amendment, and which fails to conform to the use regulations of the zoning district in which is located.

**NONCONFORMING SIGN**

Any sign lawfully existing of the effective date of an ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**NUISANCE**

An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the good property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare and smoke, are examples of nuisances.

**NURSERY, PLANT MATERIALS**

Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

**OFFICE**

A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OFFICE BUILDING**

A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, they may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or snack stand.

**OPEN AIR BUSINESS**

Shall be defined to include the following:

- a) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- b) Retail sale of fruits and vegetables.
- c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- d) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- e) Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

**OPEN SPACE**

Is that part of a zoning lot, including courts or yards which:

- a) Is open and unobstructed from its lowest level to the sky, and
- b) Is accessible to all residents upon the zoning lot, and
- c) Is not part of the roof of that portion of a building containing dwelling units, and

- d) Is comprised of lawn and landscaped area.
- e) Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

**PARK, PRIVATE**

An open space, natural area, or recreational site owned or leased by an individual or business and used for the enjoyment and recreation of individuals as guests of paying customers to the site.

**PARK, PUBLIC**

An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

**PARKING AREA**

An area used for the parking, parking aisle, access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

**PARKING BAY**

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

**PARKING LOT**

An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

**PARKING SPACE**

Any accessible area of not less than nine (9) feet by eighteen (18) feet exclusive of excess drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

**PASSIVE RECREATION AREA**

An open area designed for walking or sitting and enjoying nature or surroundings.

**PERMITTED USE**

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PIER**

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

**PLANNED RESIDENTIAL DEVELOPMENT OR "PRD"**

An area of minimum contiguous size, as specified by this ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and one or more open space or recreation areas in such range or ratios of nonresidential to residential uses as shall be specified.

**PLANNED UNIT DEVELOPMENT**

An area of minimum contiguous size, as specified by Ordinance, to be planned and developed as a single entity containing one or more residential clusters, or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

**PLANNING COMMISSION**

The duly designated advisory planning commission of the Township of Otsego.

**POOL, COMMERCIAL SWIMMING (OVER 10,000 GALLONS)**

An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

**POOL, PRIVATE SWIMMING POOL (over 500 Gallons)**

Any artificially constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

**PORCH**

Roofed open area that, while may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.

**PRELIMINARY PLAN**

A preliminary map indicating the proposed layout of the subdivision, PRD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

**PRINCIPAL USE**

The primary and predominate use of the premises including customary accessory uses.

**PUBLIC FACILITIES**

Facilities which are owned and operated by a municipality, government agency, school district, or publicly owned utility.

**PUBLIC HEARING**

A meeting announced and advertised in advance, and open to the public, with the public given an opportunity to speak or participate.

**PUBLIC UTILITY**

Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, transportation, or water, sanitary sewer and storm sewer.

**QUASI-PUBLIC ORGANIZATION**

A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

**QUORUM**

The number of attendees required by a board or agency who must be present in order to conduct the business of the board or agency.

**RADIO ANTENNA**

A signal receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

**RECREATIONAL VEHICLES**

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

**RECYCLING**

The process by which waste products are reduced to raw materials and transformed into new and often different products.

**RECYCLING CENTER**

A building where fully enclosed activities are carried out specializing in transforming waste products back into raw materials and converting them into new and often different products.

**RESIDENCE**

A home, abode, or place where an individual is actually living at a specific point in time.

**RESIDENTIAL, RESIDENTIAL USE, or RESIDENTIAL DISTRICT**

The use of land parcels for human habitation under the terms of this Article.

RESIDENTIAL shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

**RESTRICTION**

A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

**RESTRICTIVE COVENANT**

A restriction on the use of land usually set forth in a deed or other appropriate document.

**RESTAURANT**

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of goods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

**RIDING ACADEMY OR STABLE**

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, similar establishment or business.

**RIGHT-OF-WAY**

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

**RIGHT-OF-WAY LINE**

The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities.

**ROAD OR STREET FRONTAGE**

The length of the lot line which borders a private or public road.

**ROAD, PRIVATE** see STREET, PRIVATE**ROAD, PUBLIC** see STREET**ROADSIDE MARKET STAND**

A temporary building or structure designed or used for the display and/or sale of agricultural products.

**RUNOFF**

The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

**SANITARY LANDFILL**

Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

**SCHOOL**

Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

**SCHOOL, CHARTER**

A school that is chartered by the State of Michigan to operate as a nonprofit corporation for the purpose of educating elementary junior high or high school students. A charter school is not under the jurisdiction of a public school district.

**SCHOOL, ELEMENTARY**

Any school licensed by the state and which meets the state requirements of elementary education.

**SCHOOL, PAROCHIAL**

A school supported and controlled by a private, church or religious organization.

**SCHOOL, PRIVATE**

Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which does not secure a major part of its funding from any governmental agency.

**SCHOOL, SECONDARY**

Any school regulated by the state and which is authorized to award diplomas for secondary education.



**SCREENING**

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**SETBACK**

The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

**SHOPPING CENTER**

A group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking area and storage facilities.

**SIDEWALK (PUBLIC)**

A linear concrete surface typically three (3) to five (5) feet wide, that is located within a public right-of-way for pedestrian use and constructed and maintained in accordance with the Township's current sidewalk ordinance.

**SIGNS**

Any announcement, declaration, display, illustration, or insignia used to advertise or promote the interests of any persons or product when the SIGN is placed out-of-doors in view of the general public, including every SIGN, billboard, ground sign, roof sign, sign painted or printed on the exterior surfaces of a building or structure, illuminated sign and temporary sign (see ARTICLE 16).

**SITE**

Any plot or parcel of land or combination of contiguous lots or parcels of land.

**SITE CONDOS**

A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended).

**SITE PLAN**

The development for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of this Ordinance.

**SITE PLAN REVIEW AND APPROVAL**

This submission of plans for review and approval, as required by this Ordinance, and special use permits.

**SPECIAL EXCEPTION USE**

A special land use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in the ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

**SPECIAL USE PERMIT**

A permit for a special exception use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the Township, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met, subject to any additional conditions that may be imposed on its approval.

**SPOT ZONING**

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Township Comprehensive Plan.

**STABLE, PRIVATE**

Any building for shelter of horses or other animals not kept for remuneration, hire, or sale.

**STORMWATER DETENTION**

Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

**STORY**

That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF**

Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). for the purposes of this ordinance the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

**STREAM**

A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically.

**STREET**

The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

**STREET, LOCAL**

A street designed to provide vehicular access to abutting property and to discourage through traffic.

**STREET, MAJOR**

A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

**STREET, PRIVATE**

An improved right-of-way-on private property owned and maintained by one or more contiguous property owners or property owner associations. (Modified 07/14/03)

**STRUCTURE**

Anything except a building, constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.

**STRUCTURE CHANGES OR ALTERATIONS**

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

**SUBDIVIDER**

Any person who undertakes the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

**SUBDIVISION**

The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; provided however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

**TEMPORARY BUILDING OR USE**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events, but not to exceed six (6) months duration.

**TOWNHOUSES**

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

**TOWNSHIP BOARD**

The Otsego Township Board.

**TOWNSHIP ZONING BOARD OF APPEALS**

The Otsego Township Zoning Board of Appeals.

**TOWNSHIP**

Township of Otsego.

**TRASH**

The terms "Trash," "Litter," and "Junk are used synonymously and each as herein shall include the following: Used articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage of rats, ashes, garbage, industrial by-product or waste, empty cans, food containers,, bottles, crockery, utilities of any kind, boxed, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

**UNDERGROUND HOME**

A residence, the roof of which is covered with earth, and which on at least three (3) sides does not extend upward more than the surrounding grade levels within fifty (50) feet.

This does not include basement houses which are covered on four (4) sides by earth.

**USE**

The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

**USE, LAWFUL**

The use of any structure or land that conforms with all of the regulations of this ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and

other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

**VARIANCE**

A grant of relief from the required provisions of the zoning ordinance when strict interpretation or enforcement of the zoning ordinance would cause practical difficulty to the applicant owing to circumstances unique to the individual property. A variance shall not allow for a use that is otherwise not permitted in the district in which the property is located.

**VEHICLE, MOTOR**

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

**VETERINARY CLINIC**

Any building or land used for the board and treatment of large and small animals.

**WATER SUPPLY SYSTEM**

The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

**WETLANDS**

Swamps or marshes with seasonal water present, especially as areas preserved for wildlife as defined by state or federal agencies.

**WIND ENERGY CONVERSION SYSTEM (WECS)**

WECS shall be the approved form of abbreviation of “wind energy conversion system”.

WECS shall mean a combination of

- 1) A surface area, either variable or fixed, for utilizing the wind for electrical power;  
and;

- 2) 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; and
- 3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- 4) The tower, pylon, or other structure upon which any, all, or some combination of the above area mounted.

The following are associated definitions for a WECS:

- 1) Tower Height:
  - a) Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades.
  - b) Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.
- 2) Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- 3) Interconnected WECS: A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

### **WORSHIP, PLACES OF (See Church)**

### **YARD, REQUIRED SIDE-REAR-FRONT**

An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area

between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (See Illustration entitled "Lot Terms".)

- a) **Front.** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way line.
- b) **Rear.** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way line, except as otherwise provided in this Ordinance.
- c) **Side.** An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way line.

#### ZONING ACT

The Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended.

#### ZONING INSPECTOR

The Otsego Township Zoning Administrator.