

Article 29 DEFINITIONS

Section 29.01 Construction of Language

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A.** Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B.** The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C.** The word "building" includes the word "structure" and both include any part thereof.
- D.** The word "lot" includes the word "plot", "tract", or "parcel".
- E.** The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- G.** The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I.** The "Township" is the Township of Locke in the County of Ingham, State of Michigan; the "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K.** Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 29.02 DEFINITIONS

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Entertainment Business: Any business, club or organization where one or more persons display "*specified anatomical areas*" or engage in "*specified sexual activities*", either in person or by photograph, motion picture, television or other type of image. This definition includes the following: "*adult book store,*" "*adult cabaret,*" "*adult motel,*" "*adult novelty shop,*" "*adult theater,*" "*massage parlor,*" "*public bath*" and "*taxi dance hall.*" Additional terms and definitions applicable to "adult entertainment business" shall be as follows:

- 1. **Adult Book Store:** An establishment partly or wholly devoted to the display, sale or rental of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, where the floor area or shelf space devoted to such material and accessible to customers exceeds fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.

2. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - a. persons who appear in a state of semi-nudity or nudity; or
 - b. live performances which are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas;" or
 - c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or by "specified anatomical areas;" or
 - d. persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
3. **Adult Motel:** A hotel, motel or similar commercial establishment which:
 - a. offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 - b. offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - c. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.
4. **Adult Novelty Shop:** Any establishment where the floor area or shelf space devoted to the sale of devices which stimulate human genitals or devices designed for sexual stimulation accounts for more than fifteen percent (15%) of the total floor area or shelf space accessible to customers, or where more than thirty percent (30%) of the total floor area is devoted to such material, irrespective of the public's ability to access all such floor area or shelf space.
5. **Adult Theater:** Any establishment where, for any form of consideration:
 - a. films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
 - b. regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".
6. **Massage Parlor:** An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term "*massage parlor*" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
7. **Nudity or State of Nudity:** The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.
8. **Public Bath:** An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not "*public baths*."
9. **Semi-Nude:** A state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.
10. **Specified Anatomical Areas:** Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
11. **Specified Sexual Activities:** Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
12. **Taxi Dance Hall:** An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

Agriculture: The act or business of cultivating land or using land, including associated buildings and machinery, for the commercial production of farm products including but not limited to tillage of soil; dairying; greenhouse operations; pasturage; the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities; forestry; and livestock or poultry husbandry, but not including concentrated animal

feeding operations as defined in this Ordinance; and accessory activities thereto including, but not necessarily limited to the receipt of supplies, materials, and labor, and the marketing or selling at wholesale or retail or in any other manner any products from the farm and of other supplies that do not exceed in average yearly dollar volume the value of products produced on such farm.

Agricultural Service Establishments: Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; the storage, sale and repair of farm equipment; livestock and produce receiving and transfer stations; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

Arcade: Any establishment which provides on its premises six (6) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

Automotive Proving Grounds: Land used by an automobile or automotive parts manufacturer for the testing of vehicle or automobile parts performance where the dominant use of the land, both in overall character and dedicated acreage, is an outdoor automobile testing track on which automobiles are driven to evaluate certain operating systems such as, but not necessarily limited to, braking and other safety systems, and engine and exhaust systems. The phrase "automotive proving grounds" shall be interpreted to include accessory buildings and support facilities necessary to perform testing operations on a day-to-day basis, and additional indoor testing facilities provided such indoor facilities are clearly subordinate to the principal use of the site as a test track.

Bed and Breakfast: A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists or travelers, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only.

Basement: That portion of a building that is partially or wholly below grade but so located that the average vertical distance from the surrounding ground surface to the floor is greater than the vertical distance from the surrounding ground surface to the ceiling.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Boarding house: A building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons. The terms "boarding house" and "bed and breakfast" are not mutually exclusive.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, and greenhouses.

Building Height: The vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see *Figure 21-3 at end of this Section*).

Building Inspector: An individual or agency hired by the Township to administer the Township's Building Code.

Campground: A parcel or tract of land under the control of a person, business, corporation or public body on which sites are offered for the use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable structure designed to be carried or towed by a vehicle and placed for temporary living quarters.

Cemetery: Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the Township's building codes.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

- Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
- Citation** A written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one or more municipal civil infractions by the person cited.
- Club:** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership and purpose of such club.
- Collocation:** The location by two or more communication providers on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Township.
- Communication Tower:** A relay structure, including both antenna and structural supports, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals. Not included within this definition are: citizen band radio facilities; radio and television citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- Concentrated Animal Feeding Operation:** A farm which has animals stabled or confined other than in grazing areas and fed for a total of 45 days or more in any 12 month period and which contains more than the following numbers and types of confined animals: 1,000 slaughter or feeder cattle; 1,000 mature dairy cattle; 1,000 swine each weighing more than 55 pounds; 150 horses; 3,000 sheep, lambs, or goats; 15,000 turkeys or ducks; 30,000 laying hens or broilers, or 300 animal units. An "animal unit" is a unit of measurement of any animal feeding operation is calculated by adding the following numbers: the number of feeder cattle multiplied by 1.0 plus the number of swine multiplied by .4, plus the number of chickens multiplied by .01, plus the number of turkeys multiplied by .02, plus the number of horses multiplied by 2.0, plus the number of dairy cattle multiplied by 1.4, plus the number of sheep and lambs by .1, plus the number of ducks by .2, plus the number of other livestock multiplied by 1.0 per 1,000 pounds of mature body weight.
- Condominium Project:** A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).
- Condominium Subdivision ("Site Condo"):** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.
- Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.
- Condominium Unit:** That portion of a condominium project or condominium subdivision which is 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, 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. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to maximum lot depth, minimum lot size, minimum lot width, and maximum lot coverage.
- Convalescent Home:** See "Nursing Home."

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Day Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Day care center includes a facility which provides care for not less than 2 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, play group, or drop-in center. Day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.

Day Care, Family Home: A private home 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 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care, Group Home: A private home 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) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.

District: An area of land for which there are regulations governing the use of buildings and premises such as yard requirements, lot sizes, and height regulations. A "district" is also known as a "zone" or "zoning district".

Drive-in Establishment: A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a road or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, and complies with the provisions of this Ordinance.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a permanent residential dwelling.

Dwelling, Multiple Family: A building or portion thereof containing three or more dwelling units designed for residential use for three or more families living independently of each other.

Dwelling, Single Family: A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

Dwelling, Two Family (Duplex): A building or portion thereof containing only two dwelling units designed for separate residential use.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

Erected: The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots. Communication towers shall not be interpreted as essential services.

Excavation: Any breaking of ground, except common household gardening, general farming, ground care, and in association with a zoning permit for the construction of a building or other approved project.

Extraction Operation: The removal, extraction, or mining of sand, gravel, or other naturally occurring mineral where more than twenty (20) cubic yards of such material is extracted in any twelve (12) month period.

Family:

1. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than one (1) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
2. 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 nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm: Land and associated buildings and machinery used for agriculture comprising at least ten (10) contiguous acres, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures, and machinery.

Fence: An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

Filling: The depositing or dumping of any matter into or onto the ground.

Floodplain: A Special Flood Hazard Area as shown on the current Flood Hazard Boundary Map or Flood Insurance Map of the Township.

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

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 restrooms and janitorial service rooms, 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 does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

1. Family Home: A facility which provides foster care to six (6) or fewer persons.
2. Group Home: A facility which provides foster care to seven (7) or more persons.

Frontage: The total continuous length of the line separating said lot from the road right-of-way, and frequently identical to the front lot line.

Garage: An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage Sale: The temporary sale or offering for sale to the general public of items of personal property on any portion of a residential lot, whether within or outside a residence.

Golf Course/Country Club: A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

Human Care Facilities: An establishment where human patients are examined for medical soundness and treated for injury, sickness or other medical condition, by one or more physicians and support personnel, and which may provide both in-patient and out-patient services including facilities commonly referred to as clinics and hospitals. A medical care facility may include such professionals as physicians, dentists, surgeons, and psychologists, and include accessory facilities and services such as laboratories, medical testing, staff offices, and pharmacies.

Home Occupation: See Section 28.25.

Hotel: See "Motel."

- Industrial Park:** The development of a parcel in a unified manner in which multiple lots or similar building sites are created to accommodate separate industrial facilities, all of which are accessed by a road or drive constructed as an integral part of the development.
- Junk Yard:** Any land or building, over 200 sq. ft. in area, used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles, boats, or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered a special land use requiring special approval.
- kennel:** Any lot or premises used for the sale, boarding, or breeding of three (3) or more dogs, cats, or other animals commonly kept as household pets.
- Livestock:** Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.
- Loading Space:** 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 or unloading merchandise or materials.
- Local Thoroughfare:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Commission and classified by the Commission as a "local" road according to PA 51 of 1951, but excluding roads within a subdivision.
- Lot:** A tract of land which is described by a legal description in one or more instruments of conveyance, devises or agreements to convey, or by inclusion in one or more plats. A lot for purposes of this Ordinance may or may not correspond to any particular tax parcel as reflected on the tax rolls. (see *Figure 29-1 at end of this Section*).
- Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of the area of a lake or any public or private road right-of-way adjoining any portion of the lot, except in the case of lots of ten (10) acres or more in size in which case the area of any public or private road right-of-way may be considered part of the lot area.
- Lot, Corner:** Any lot having at least two (2) contiguous sides adjoining upon one or more roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot adjoining a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (see *Figure 29-1 at end of this Section*).
- Lot Coverage:** The amount of a lot, stated in terms of percentage, which is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.
- Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines. (see *Figure 29-2 at end of this Section*)
- Lot, Flag:** A lot whose access to a road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property, including a shared driveway, and does not meet the frontage requirements of the district in which it is located. (see *Figures 29-1 and 29-2 at end of this Section*)
- Lot Lines:** The lines bounding a lot or parcel (see *Figure 29-2 at end of this Section*).
1. **Lot Line, Front:** (see *Figure 21-2 at end of this Section*)
 - a. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way.
 - b. In the case of a corner lot or through lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or on the plot plan or site plan review application, subject to approval.
 - c. In the case of a flag lot or lot that gains access from a shared driveway, the front lot line shall be the lot line most parallel to and nearest the road from which access is obtained. This application shall also apply in the case of a lot which gains access from a shared driveway and does not have frontage upon a public or private road.
 - d. In the case of a lot that gains access from a shared driveway, the front lot line shall be the lot line most parallel to and nearest the shared driveway.
 2. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
 3. **Lot Line, Side:** Any lot line other than a front or rear lot line.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Ingham County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Ingham County Register of Deeds prior to the adoption or amendment of this Ordinance.

Lot, Through: A lot having frontage on two (2) roads other than a corner lot (see *Figure 29-1 at end of this Section*).

Lot Width: The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (see *Figure 29-2 at end of this Section*).

Manufactured Housing Community (Mobile Home Park): A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Master Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development, land use, and preservation. The plan, developed pursuant to Public Act 168 of 1959, as amended, the Township Planning Act, consists of maps, charts and written material representing in summary form the soundest concept for addressing community growth.

Mini Storage (warehouse) Facilities: A building or group of buildings that contain individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, including recreational vehicles and water craft.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, dwellings consisting of prefabricated units transported to a site on a removable undercarriage or flat-bed and assembled for permanent location on a lot (modular homes), recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

Modular (Pre-Manufactured) Home: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Municipal civil infraction. An act or omission that is prohibited by this article that is not a misdemeanor or crime under this article or any other ordinance of the township and for the punishment of which civil sanctions, including, without limitation, fines, damages, expenses and costs may be ordered pursuant to Chapter 87 of Public Act 236 of 1961.

Municipal civil infraction determination means a determination that a defendant is responsible for a municipal civil infraction by one of the following: 1) An admission of responsibility for the municipal civil infraction; 2) An admission of responsibility for the municipal civil infraction, "with explanation"; 3) A preponderance of the evidence at an informal hearing or formal hearing on the question under MCL 600.8719 or MCL 600.8721 respectively; or 4) A default judgment for failing to appear as directed by a citation or other notice, at a scheduled appearance under section MCL 600.8715(3)(b) or (4), at an informal hearing under MCL 600.8719, or at a formal hearing under MCL 600.8721.

Nonconforming Building or Structure: A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Nonconforming Lot (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

- Nonconforming Use:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.
- Nuisance:** Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.
- Nursery:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sales including products used for gardening and landscaping. "Nursery" shall not be interpreted to mean any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.
- Nursing Home:** A facility other than a hospital, having as its primary function the rendering of 24-hour nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
- Order.** A written mandate, precept or command that: 1) is denominated on its face as an "Order"; 2) directs a particular person to act or refrain from acting in a specific manner; 3) is issued by the Zoning Administrator, Board of Appeals, Planning Commission or Township Board within the scope of the issuing entity's authority under this article; 4) is served upon the person in accordance with the provisions of this article; and 5) bears a written warning to the effect that "Knowingly failing or refusing to comply with this order is a misdemeanor subject, upon conviction, to imprisonment in the county jail for not more than ninety (90) days or a fine of not more than five hundred dollars (\$500.00) or both.
- Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.
- Parcel:** A lot described by metes and bounds or described in a recorded plat.
- Parking Space:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.
- Person Aggrieved:** A person aggrieved shall be any person, firm, partnership, corporation, or association with an interest in real property which will suffer "special damages" as a result of the decision in question. Special damages shall be defined as a particular injury to a land owner's beneficial use or enjoyment of his own land, which injury is not shared in common with other members of the general public.
- Planned Unit Development:** A tract of land or lot, developed under single ownership or management as a separate neighborhood, community unit, or non-residential use, based on an approved site plan which allows flexibility of design not available under normal zoning district requirements.
- Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act, P.A. 571 of 1996, as amended, or a prior statute.
- Plot Plan:** A plan showing basic features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts less detailed information compared to a site plan.
- Primary Thoroughfare:** M-52 and any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Commission and classified by the Commission as a "county primary" road according to PA 51 of 1951.
- Principal Building:** The main building on a lot in which the principal use exists or is served by.
- Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.
- Private Landing Strip:** A facility for the taking-off, landing, and storage of small aircraft, designed for use by the owner or lessee of the premises only and is not available to the public, is not shown on aeronautical charts, is not licensed nor required to have licensing by the Federal Aviation Authority, Michigan Aeronautics Commission, or other federal or state aviation authority, and does not offer charter flight service, the sale of gasoline or oil, student instruction, flying lessons, aviation maintenance services or other commercial services to the public.
- Prohibited Use:** A use of land which is not permitted within a particular zoning district.
- Public Assembly Facility:** A public or semi-public facility or institution whose principal function involves the regular gathering of members of the general public, as opposed to gatherings associated with a restricted membership. Examples of public assembly facilities include, but are not limited to, theaters, places of religious worship, parks, and museums.

Public Facility: Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks and cemeteries, police and fire protection facilities, courts of justice, and government offices.

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

Recreational Vehicle. A vehicle primarily designed and used 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, including what are commonly referred to as travel trailers, camping trailers, motor homes, and truck campers. Recreational vehicles do not include mobile homes.

Restaurant, Drive-In: A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready -to-consume state from a drive-through window to patrons in motor vehicles. A drive-in restaurant may or may not also have indoor seating, and may also be referred to as a drive-through restaurant.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

1. .customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
2. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

The term "standard restaurant" shall not be interpreted to mean or include a drive-through restaurant.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Retreat Center: A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

Right-of-Way: A public or private street, road, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries referred to as right-of-way lines.

Road: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Commission or other public entity.

Roadside stand: A structure for the display or sale of agricultural products, with no space for customers within the structure itself.

Sawmill: A facility of a permanent nature where trees or logs are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products, but not including the processing of timber for use on the same lot from which it is cut by the owner or resident of such lot.

Secondary Thoroughfare: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Ingham County Road Commission and classified by the Commission as a "county local" road according to PA 51 of 1951.

Service Station, Standard: A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. Standard service stations may also include up to four hundred (400) square feet of floor area used for the sale of convenience items such as food products, magazines, and similar convenience items.

Service Station, Multiple Use: A standard service station as defined in this Ordinance, which also includes other accessory or principal uses and/or services such as, but need not be limited to, a restaurant, shower facilities, and/or convenience store. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

Setback: The distance between the road right-of-way line or the side or rear lot line and the nearest supporting member of a structure on the lot.

Shooting Range: Any indoor or outdoor facility designed for and devoted to the shooting of firearms or archery equipment. Depending upon the type of shooting range, such shooting range may also be commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range.

Sign: See Article 22.

Site Plan: A plan showing all physical features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Special Land Use: Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article 5: Procedures for Special Land Uses.

Stable, Commercial: A structure and/or land use where horses are bred, reared, trained, cared for, and/or boarded and does not meet all of the definition requirements of a "private stable", as defined in this Ordinance.

Stable, Private: An accessory structure and/or land use where no more than twelve (12) horses are bred, reared, trained, cared for, and/or boarded, irrespective of remuneration, and the keeping of such horses complies with the standards of Section 20.23(D)(3). A private stable may provide riding lessons but a private stable shall not be interpreted to include a facility providing horse shows, rodeo shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

Story, height of. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. Fences shall not be considered as "structures," but must comply with all applicable standards of this Ordinance.

Swimming Pool: An above or below grade structure or container designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

Temporary Use: A use of land which is authorized for a limited duration of time pursuant to Sections 28.12 or 28.15.

Towing Service: A facility whose principal function is to provide for the transport and temporary storage of vehicles but does not include disposal, disassembly, salvage, repair or accessory storage of inoperable vehicles.

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

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

Variance: A modification of the literal provisions of the Zoning Ordinance authorized by the Zoning Board of Appeals according to the provisions of this Ordinance.

Vehicle Repair Shop: Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and vehicle painting.

Veterinary Clinic: An establishment which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories, testing services, and offices.

Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see *Figure 21-2 at end of this Section*):

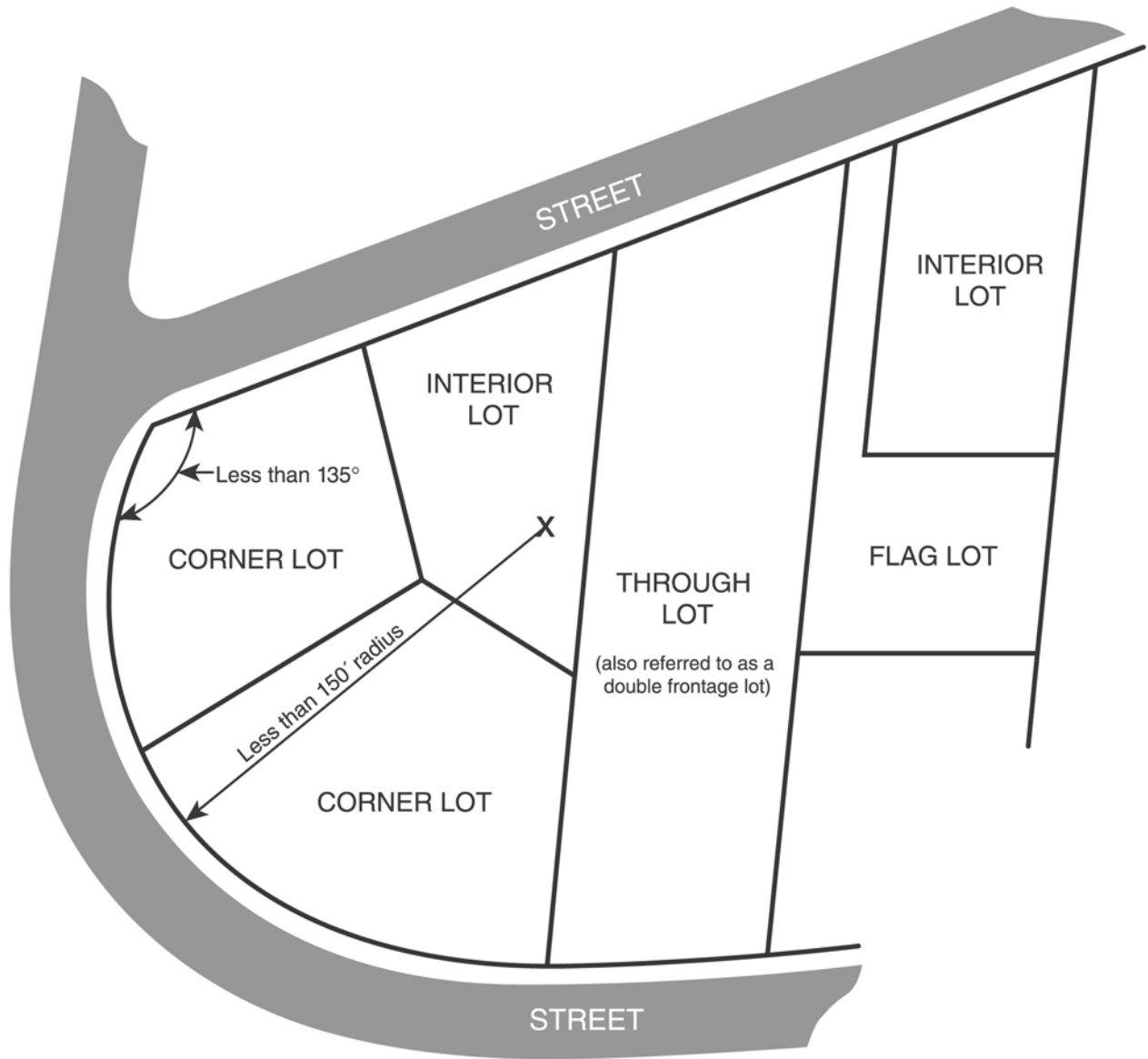
1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. There shall be maintained a front yard on each street side of a corner lot and through lot.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
3. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest line of the principal building.

Zoning Administrator: The authorized individual or agency charged with the responsibility of administering this Ordinance and appointed by the Township Board.

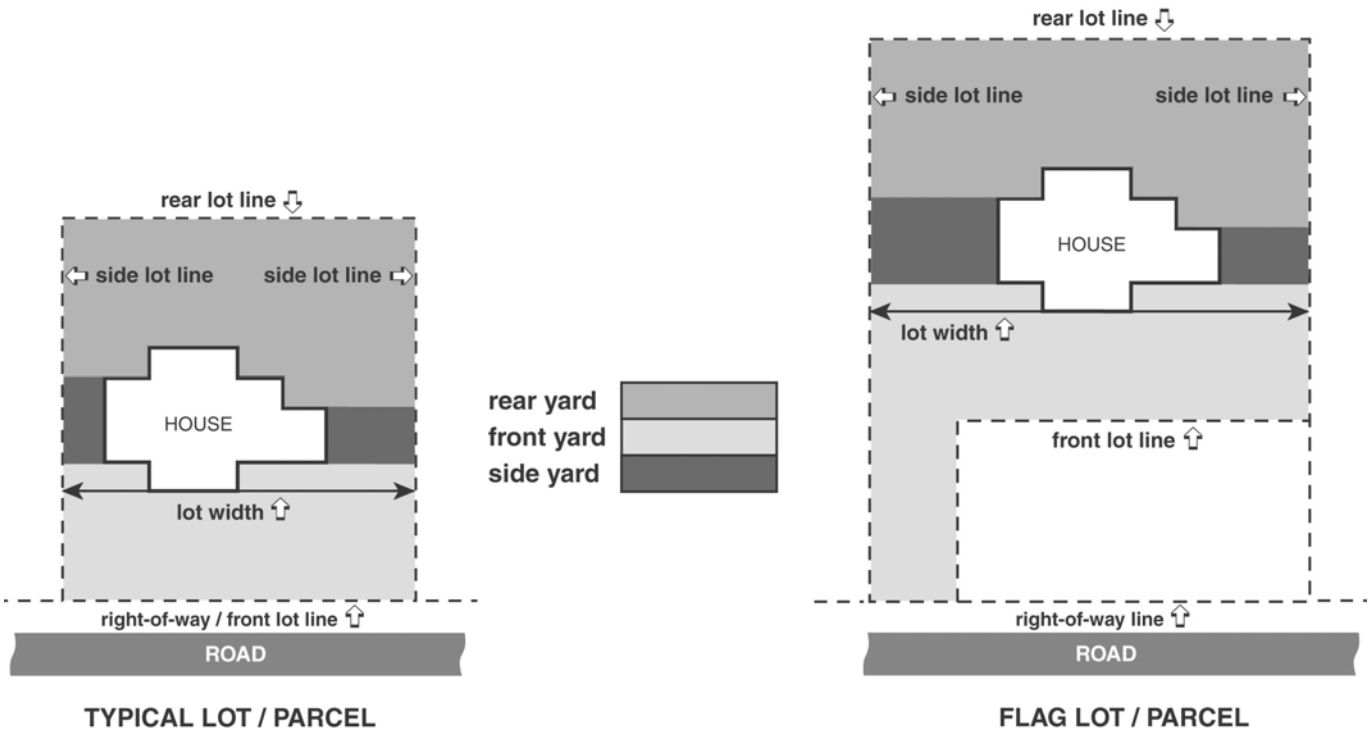
Zoning District (District): A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

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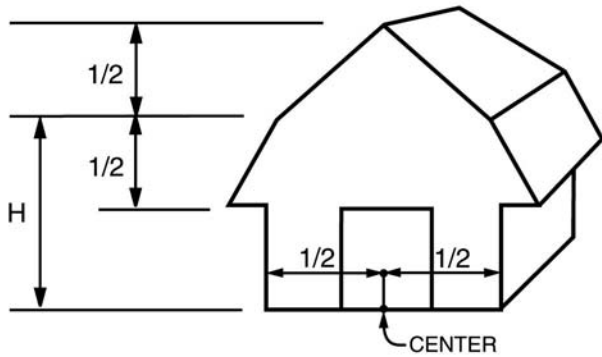
Figure 29-1
LOT TYPES



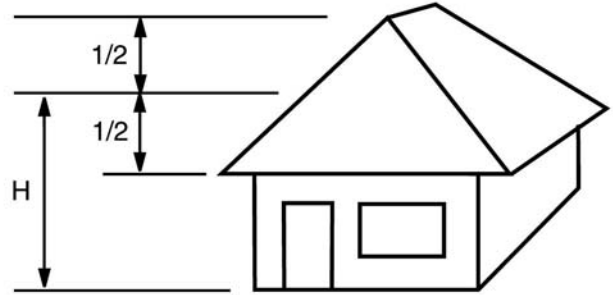
**Figure 29-2
LOT LINES and YARDS**



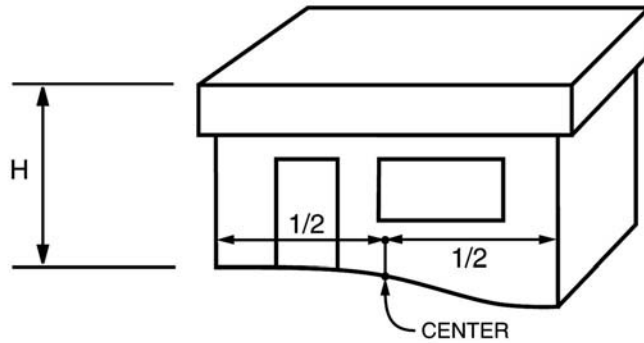
**Figure 29-3
BUILDING HEIGHTS**



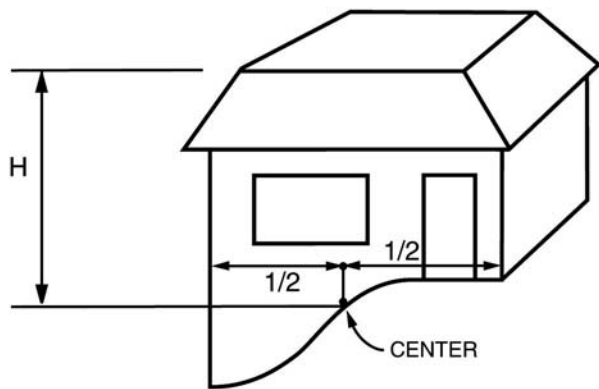
GAMBREL ROOF



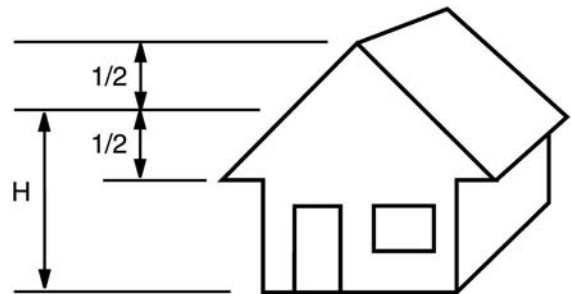
HIP ROOF



FLAT ROOF



MANSARD ROOF



GABLE ROOF

End of Article 29