

## ARTICLE 2 DEFINITIONS

### SECTION 2.00 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- 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 that 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 terms "abutting" or "adjacent to" include property "across from", such as across a street or an easement. "Abutting" or "adjacent to" shall not be considered land across US-23. This term shall also apply to adjacent zoning districts in an adjacent community.

- J. The term "this Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance and any amendments thereto.
- K. The phrase "such as" shall mean "such as, but not limited to."
- L. The word "including" shall mean "including, but not limited to."
- M. Terms not herein defined shall have the meaning customarily assigned to them.

## **SECTION 2.01 DEFINITIONS**

Whenever used in this Zoning Ordinance, the following words and phrases shall have the meaning ascribed to them in this section.

**AASHTO STANDARDS.** Unless otherwise specified, the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets" constitutes the preferred street and road design standards for Tyrone Township.

**ACCESS EASEMENT.** See Section 24.01.E.

**ACCESSORY BUILDING.** A subordinate building on the same lot or parcel of land as the principal building or buildings or part of the principal building, occupied by or devoted exclusively to any accessory use. The accessory building shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings unless so specified herein.

**ACCESSORY USE.** A use normally and naturally incidental to, subordinate to and devoted exclusively to the principal use of the land or buildings.

**ACCESSORY STRUCTURE.** A structure that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related.

**ADULT DAY CARE.** A facility which provides care for over twelve (12) adults for less than 24 hours.

**ADULT FOSTER CARE FACILITY.** A residential structure licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

**ADULT FOSTER CARE FAMILY HOME.** Private residence for six (6) or fewer adults. Licensee must live in the home. Adult foster care family homes shall be treated similar to single family homes in the permitting and review process.

**ADULT FOSTER CARE SMALL GROUP HOMES.** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Adult foster care small group homes may not be exempt from local planning and zoning requirements.

**ADULT FOSTER CARE LARGE GROUP HOMES.** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Adult foster care large group homes shall not be exempt from local planning and zoning requirements.

**CONGREGATE CARE FACILITY.** See "Housing for the Elderly."

**AGRI-BUSINESS.** A retail or tourism based business operation conducted in FR Farming Residential and RE Rural Estate Districts clearly incidental to the principal permitted agricultural use on the property in which no less than 50% of the agricultural products or services sold or offered have been raised or grown on the site.

**AGRICULTURE.** Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, nurseries, orchards and other similar enterprises or uses. Farms shall not be operated as commercial feeding operations, or for the disposal of garbage, sewage, rubbish or rendering plants or for the slaughtering of animals, except such animals raised on the premises or that have been maintained on the premises for the use and consumption of persons residing on the premises.

**ALTERATIONS.** The term "alterations" shall mean 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, the consummate act of which may be referred to herein as "altered" or "reconstructed."

**ANIMAL, DOMESTICATED.** Any animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation, nor cause death, maiming, or illness to human beings. Domestic animals include, but are not limited to, cattle, horses, pigs, sheep, goats, turkeys, chickens, ducks, emus, camels, and household pets as defined in this Section.

**ANIMAL, EXOTIC.** Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal. Exotic animals include, but are not limited to, non-human primates, venomous snakes and reptiles, non-venomous snakes greater than ten (10) feet in length, reptiles (other than snakes) greater than four (4) feet in length measured from snout to end of tail, large cats, sharks greater than two (2) feet in length, ostriches, piranha, venomous insects, elephants, bears, gamecocks, hyenas, and other non-domesticated, non-wild animals.

**ANIMAL UNIT.** A unit of measurement for determining the kind and number of animals permitted for private use in certain residential zoning districts. An animal unit is equivalent to the following:

- ✧ 1 horse or donkey or mule or cow, or
- ✧ 3 pigs, or
- ✧ 15 sheep or goats, or
- ✧ 30 fowl, or
- ✧ 4 miniature equine.

**ANIMAL, WILD.** Animals of a species indigenous to the State of Michigan or the Midwest region, and which are not a common household pet, including any hybrid animal that is part wild animal. Wild animals include, but are not limited to, badgers, bears, wild birds, large cats, coyotes, deer, wolves, dog-wolf hybrids, and weasels.

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

**EFFICIENCY OR STUDIO APARTMENT** is a dwelling unit consisting of not more than one (1) room including kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a one (1) room unit.

**ONE BEDROOM UNIT** is a dwelling unit consisting of not more than two (2) rooms including kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a two (2) room unit.

**TWO BEDROOM UNIT** is a dwelling unit consisting of not more than three (3) rooms including kitchen, dining and necessary sanitary facilities, and for the purposes of computing density, shall be considered as a three (3) room unit.

**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, 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).

**ARCHITECTURAL FEATURES.** Architectural features of a building shall include but not be limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**ATTACHMENT.** The joining of two (2) or more structures by the continuation of foundations and roof lines, utilizing the same construction materials to create a single unit with interior access from the existing structures.

**AUTOMOBILE REPAIR GARAGE.** A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; painting and undercoating of automobiles. The sale of engine fuels is optional.

**AUTOMART.** The primary use is the retail sale of engine fuels and packaged food and drink products from a single location, usually along a major road or highway. Many automarts were formally automobile service stations. Automarts also are commonly known as convenience stores.

**AUTOMOBILE SERVICE STATION.** A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are retailed directly to the public on the premises; including sale of minor accessories and services for automobiles. Such stations may dispense gasoline as "self-service," "full-service," or "self-service and full-service" retail outlets.

**AUTOMOBILE CAR WASH.** A building, or portion thereof, where automobiles are washed as a commercial enterprise.

**AWNING.** An unenclosed roof structure attached to a wall or roof of a building. An awning projects from the building and relies on support from the building to remain in place.

**BASEMENT.** That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted in floor area measurements.

**BED AND BREAKFAST (B&B) OPERATIONS.** A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment, provided that not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast rooms, and provided that there shall not be separate cooking facilities for bed and breakfast use. A length of stay at a B&B establishment shall not exceed three (3) nights in succession. (21.14.C.5)

**BERM.** A landscaped earthen mound used to physically and visually screen development from view.

**BLOCK.** The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

**BOARDING HOUSE.** A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished as other than a hotel, motel, convalescent or nursing home.

**BOAT.** Shall mean any type of watercraft or vessel used and/or operated upon a lake or other body of water. This definition shall also include amphibious craft capable of moving on land or in the air and floating on water.

**BOAT LAUNCHING.** Shall mean the placement of a boat in a lake by any means.

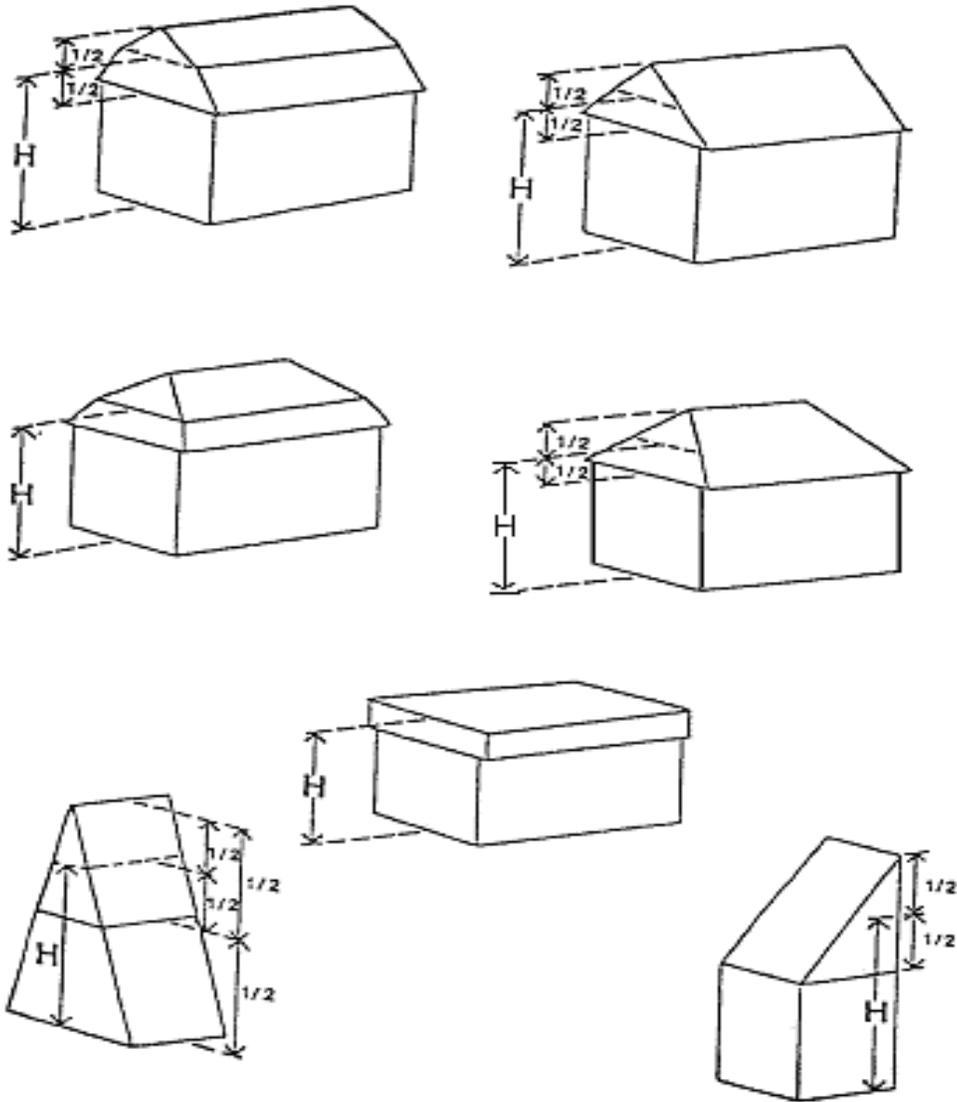
**BOAT TRAILER.** A licensed or unlicensed vehicle that is not self-propelled, is designed to be pulled by an automobile, van or pick-up truck, and is the normal equipment used to transport a boat(s) on the road.

**BUILDING.** An independent structure, either temporary or permanent, having a roof supported by columns or walls.

**BUILDING HEIGHT.** The vertical distance from the established grade to the highest point of the roof surface for flat roofs to the dock line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See Figure 2.1)

**BUILDING LINE.** A line formed by the front face of the building, and extending to the side lot lines. For purposes of this ordinance, a minimum building line is the same as the front setback line.

Figure 2.1 BUILDING HEIGHT REQUIREMENTS



**CAMPGROUND.** A parcel or tract of land under the control of a person or persons in which sites are for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreation units. A recreation unit means a tent, travel trailer, camping trailer, motor home, recreational vehicle, and truck camper. Campgrounds are licensed according to Section 12501 in Act 368 of 1978, as amended, the Michigan Public Health Code.

**CANOPY.** An unenclosed structure with a roof which is supported fully or partially with poles, columns or other support members. A canopy may be attached to a building but relies on poles, columns or other members to fully or partially support the weight of the roof.

**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 the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

**CHILD CARE CENTER OR DAY CARE CENTER.** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (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 (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. "Child care center" or "day care center" does not include a Sunday 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.

**FAMILY DAY CARE HOME.** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours 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 (4) weeks during a calendar year.

**FOSTER FAMILY HOME.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**FOSTER FAMILY GROUP HOME.** A private home licensed by the Michigan Department of Social Services in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**GROUP DAY CARE HOME:** A private home in which more than six (6) but not more than twelve (12) 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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

**CLINIC.** A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist or the like, except that such human patients are not lodged therein overnight.

**COMMUNITY SEPTIC SYSTEM.** A facility designed to accept and provide limited treatment of sewage waste from more than one residence. Such community septic system shall be designed to the applicable Livingston County standards and dedicated for maintenance by the appropriate governmental agency.

**COMMERCIAL FEEDING OPERATION.** A feedlot or any parcel of land or premises, other than a pasture, on which the principal use is the concentrated feeding of farm animals for income, including but not limited to beef cattle, hogs and poultry.

**COMMERCIAL VEHICLE.** Any motor vehicle used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

**COMMON USE LOT OR LOTS.** Shall mean a Lot, Parcel, or Condominium Unit with Water Frontage on a Lake, which is or has been created with the intent to allow the common use thereof by non-owners of the Common Use Lot, multiple owners of a Common Use Lot, non-riparian Lot or Parcel owners or owner, the public, members of an association, or to more than one Dwelling Unit.

**CONDOMINIUM TERMS:**

**COMMON ELEMENTS.** Portions of the condominium project other than the condominium units.

**CONDOMINIUM.** A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by other unit owners.

**CONDOMINIUM ACT.** Shall mean Public Act 59 of 1978, as amended.

**CONDOMINIUM LOT OR SITE.** That portion of the land area of a site condominium project intended to function similar to a platted subdivision lot for purposes of determination of minimum lot area, minimum lot width, minimum yard (setback) requirements and other requirements set forth in Section 20.01 Schedule of Regulations.

**CONDOMINIUM SUBDIVISION PLAN.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

**CONDOMINIUM UNIT.** Shall mean that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project regardless of whether it is intended for residential, office, industrial, business, recreational, time share unit use, or any other type of use.

**CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.

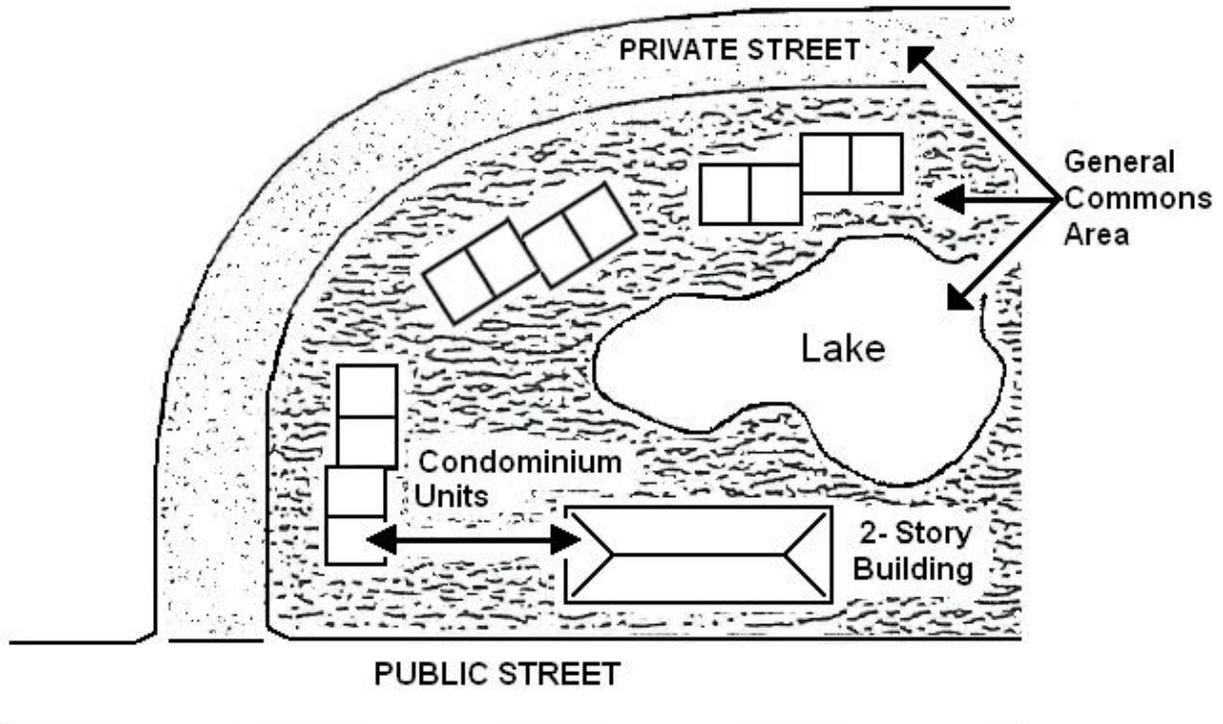
**CONVENTIONAL CONDOMINIUM PROJECT.** A condominium designed to include only general common elements and usually consisting of only attached residential units. (See Figure 2.2, page 2-10)

**CONVERSION CONDOMINIUM.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

**CONVERTIBLE AREA.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.

**EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.

**Figure 2.2 CONVENTIONAL CONDOMINIUM**



**GENERAL COMMON ELEMENTS.** Common elements other than the limited common elements, intended for the common use of all co-owners.

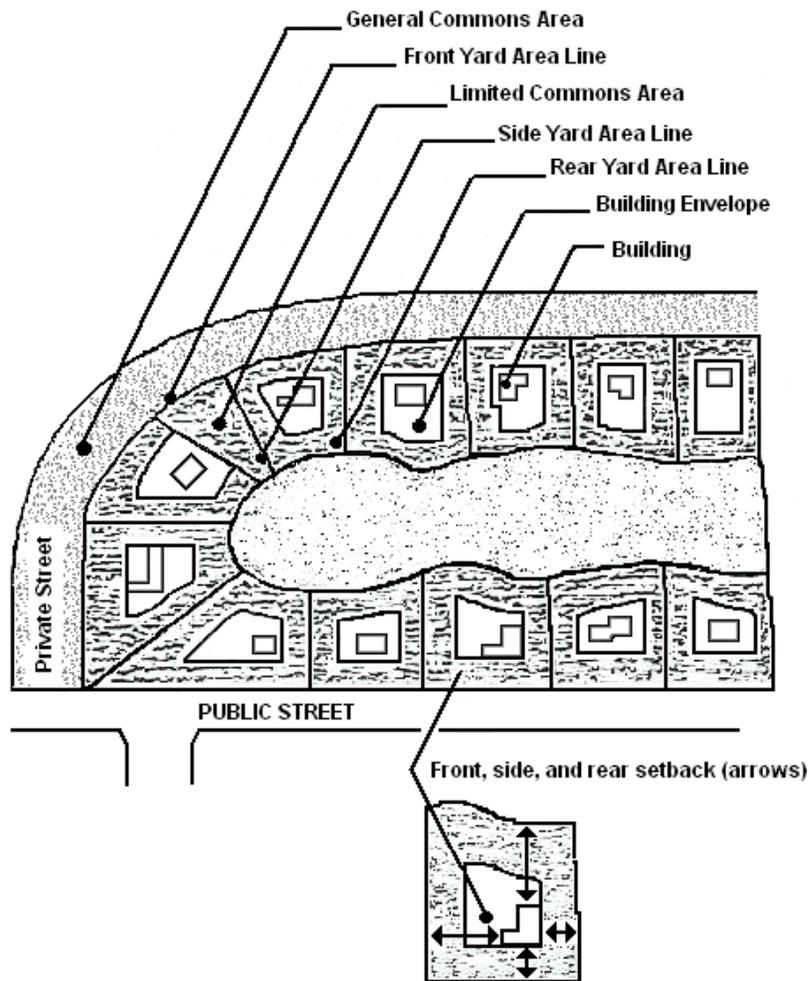
**LIMITED COMMON ELEMENTS.** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

**MASTER DEED.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

**SITE CONDOMINIUM PROJECT.** A condominium project is designed to function in a similar manner, or as an alternative to a platted subdivision, but has limited common and general common area elements. A site condominium shall be equivalent to a

subdivision as used in this ordinance and in the Tyrone Township Subdivision Control Ordinance. The subdivision may consist entirely of single-family detached or attached condominium units in the case of a residential project and also may consist of a nonresidential project such as an industrial park. (See Figure 2.3, *below*)

**Figure 2.3 - SITE CONDOMINIUM**



**CONVALESCENT OR NURSING HOME.** A structure with sleeping room where persons are housed or lodged and are furnished with meals, nursing and radical care.

**CONVENIENCE STORE.** The primary use is the retail sale of packaged food and drink products from a location, usually along a major road or highway. It also may be known as a party store. See AUTOMART.

**CUL-DE-SAC.** A roadway closed at one end, usually with a lane for vehicular turnaround. See also STREET.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**DEVELOPABLE AREA.** Net lot area not intended to be included as open space as described in Section 21.51 of the Township Zoning Ordinance.

**DISTRICT.** A portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof, apply under the provisions of this ordinance.

**DOCK, DOCKED or DOCKING.** Means the mooring of a Boat directly to a pier or structure, including but not limited to a platform, hoist, or other permanent or seasonal fixture or structure extending from the shore or placed in the water off the shore, and directly accessible to a Water Frontage; and shall also mean the regular anchoring of a Boat adjacent to a Water Frontage, and shall also mean the placement or storage of a Boat, temporarily or permanently, upon the shoreline or at the Lake frontage of a Lot or Parcel of land.

**DRIVE-IN.** The term "drive-in" shall mean a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within a building or structure.

**DWELLING, MULTIPLE FAMILY.** A building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

**DWELLING, ONE FAMILY.** A building designed exclusively for occupancy by one (1) family.

**DWELLING, TWO-FAMILY.** A building designed exclusively for occupancy by two (2) families independent of each other, such as a duplex dwelling unit.

**DWELLING UNIT.** A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of or by a family or unrelated persons either permanently or transiently. In no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling in Single, Multiple, or Single-Family Residential Areas. In cases of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling unit for the purpose of this ordinance, and shall comply with the provisions thereof relative to dwellings.

**EASEMENT.** A grant by a property owner of the uses of a strip of land by the public, a corporation, or private person or persons for a specified purpose or purposes.

**ELDERLY HOUSING.** See “Housing for the Elderly”.

**ERECTED.** Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

**EXCAVATION.** Any breaking of ground, except common household gardening and ground care.

**EXCEPTION.** A use permitted only after review of an application by the Zoning Board of Appeals or Planning Commission. Such review may be necessary because the provisions of this ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this ordinance.

**FAMILY** means either of the following:

- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building and Zoning Administrator in the first instance that the

number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

**FARM.** All of the contiguous, neighboring, or associated substantially undeveloped land operated as a single unit devoted to the production of plants and animals useful to man, including forages and sod crops; grain and feed crops; dairy and dairy products; livestock including breeding and grazing; orchards and vegetables; Christmas trees, greenhouses, and landscape nurseries; and apiaries. All farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided however that land to be a farm hereunder shall include a continuous parcel of five (5) acres or more in area. Stone quarries or gravel or sand pits shall not be considered farms hereunder.

**FARM BUILDING.** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities, including the storage or housing of farm equipment, produce or farm animals.

**FARM WORKERS, SEASONAL.** Persons engaged in tending or harvesting crops during the growing or harvesting season only and that may reside temporarily in housing facilities on the farm during the season of work. Seasonal farm workers are transient and do not reside on the farm year-round and they are principally engaged in farm related activities on a full-time basis during their stay on the farm. Excluded from this definition are persons living on the farm year-round or persons who are not principally engaged in crop tending or harvesting.

**FARM CARETAKER.** A single person that lives on the farm and is principally engaged in overseeing or managing farm operations during the seasons of crop raising or harvesting and that may reside on the farm year-round also having general responsibilities to oversee and tend farm property and facilities year-round. A caretaker is distinguished from seasonal farm workers by having general responsibilities to oversee farm operations as opposed to strictly performing farm labor during only the seasons of crop raising or harvesting.

**FEEDLOT.** See Commercial Feeding Operation.

**FILLING STATION.** See Automobile Service Station.

**FINANCIAL GUARANTEE.** Any monetary based security that may be accepted by the Township as assurance that required improvements shall be installed consistent with the terms of approval. Any bond proposed to be accepted as a financial guarantee must be provided from a bond company with offices in the State of Michigan.

**FLOOR AREA.** For the purpose of computing the minimum allowable floor area, the sum of the horizontal areas of each story of a building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished

attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators or stair bulkheads, common hall areas (included with residential dwellings), and accessory structures.

**FLOOR AREA, GROSS (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building shall include the basement floor area when more than one-half ( $\frac{1}{2}$ ) of the basement height is above the established curb level or finished lot grade. See definition of "basement." Any space devoted to off-street parking or loading shall not be included in "floor area." Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included. (See Figure 2.4, page 2-16)

**FLOOR AREA RATIO (FAR).** The ratio between the maximum amount of floor area permitted on all floors in a building or group of buildings and the total lot area or total site area. For example, a FAR of 2.0 would allow a maximum floor area equal to twice the lot area (a two-story building covering the entire lot or a four-story building covering half the lot). A FAR of 0.5 would allow a maximum floor area equaling one-half ( $\frac{1}{2}$ ) the lot area, or a two-story building covering one-fourth of the lot.

**FLOOR AREA, USABLE (UFA).** Seventy-five (75) percent of the gross floor area of a unit or structure. An applicant may use a different percentage if they can demonstrate sufficiently that the square footage area of the interior floor of a structure used or, intended to be used for, or available to be used for the provision of services to the public as customers, patrons, clients, or patients; as work space for office or industrial employees; or for residential inhabitants as measured from the interior face of the exterior walls is different than 75% of the gross floor area. Utility or mechanical equipment rooms, hallways, emergency or access stairwells, sanitary facilities, and/or storage areas shall be excluded from the measurement unless the storage area is used or intended to be used for the primary function of the unit or structure. Note: For residential structures, hallways, stairwells, and sanitary facilities shall be included in the measurement of gross floor area. (See Figure 2.4, page 2-16)

**GARAGE, PRIVATE.** An accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal building.

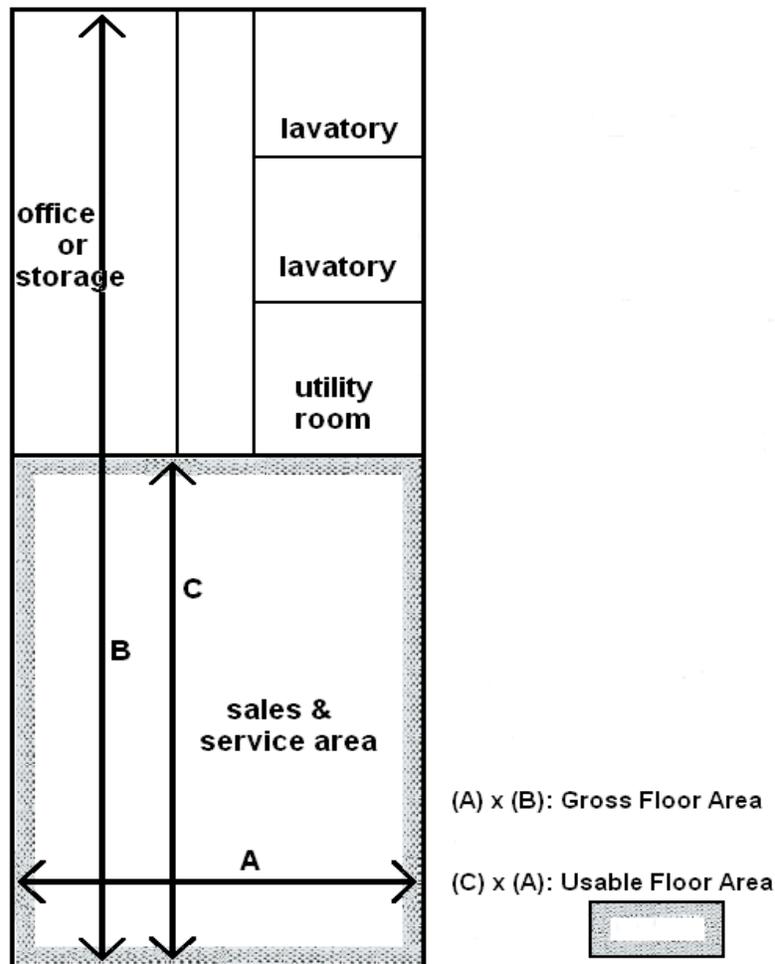
**GRADE.** A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**GREENBELT.** The strip of land not less than fifteen (15) feet in width which is planted and maintained with trees or shrubs acceptable, as to species and density, to the Planning Commission and Zoning Administrator. See also BERM.

**GROSS LEASABLE AREA (GLA).** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is all the floor area on which tenants pay rent.

**GROUP HOME.** See ADULT FOSTER CARE FACILITIES.

**Figure 2.4 FLOOR AREA TERMINOLOGY**



**HARD SURFACE ROADWAY.** A roadway surface consisting of asphalt or concrete which meets the prevailing Livingston County Road Commission specifications and standards for subdivision streets and/or roads.

**HIGHWAY.** Any public thoroughfare dedicated and maintained for operation of vehicular traffic.

**HISTORICAL SITES AND/OR USES.** Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure and welfare of the local residents and of the general public.

**HOUSING FOR THE ELDERLY.** Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55) or where the occupant is differently abled. Housing for the elderly may include the following:

**SENIOR APARTMENTS.** Multiple-family dwelling units where occupancy is restricted to persons as outlined above.

**ELDERLY HOUSING COMPLEX.** A building or group of buildings containing dwellings where the occupancy is restricted to persons as outlined above.

**CONGREGATE HOUSING.** A type of semi-independent housing facility for more than twenty (20) adults containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

**DEPENDENT HOUSING FACILITIES (nursing homes).** Facilities which are designed for older persons who need a wide range of health and support services, including personal nursing care.

**HOME OCCUPATION.** Any use conducted wholly within a dwelling and carried out by the inhabitants therein, providing that (1) it does not involve employees other than members of the immediate family residing on the premises; (2) it is clearly incidental and secondary to the use of the dwelling for dwelling purposes; (3) it does not change the character thereof; (4) it does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby.

**HOTEL.** A building occupied or used as a rare or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

**HOUSEHOLD PET.** A domesticated animal typically found in residential dwellings and not typically disruptive to the residential character of an area. This definition would include, by way of example and not by way of exclusion, such animals as domesticated dogs other than dog/wolf hybrids, small domesticated cats, gerbils, hamsters, turtles, non-venomous snakes under ten (10) feet in length, tropical fish, parrots, canaries and parakeets.

**JUNK / SALVAGE / USED MATERIALS.** For the purpose of this ordinance, the terms JUNK/SALVAGE/USED MATERIALS shall mean any unlicensed vehicle on a single lot, any motor vehicles, machinery, appliances product, or merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**JUNK / SALVAGE / USED MATERIALS YARD.** Any lot, parcel, field or tract of land on which there is an accumulation of junk, salvage, or used materials bought and sold, exchanged, stored, baled, packaged, disassembled, reclaimed and recycled. Uses established and conducted entirely within an enclosed building are not yards under this provision.

**KENNEL.** Any lot or premises wherein or whereon three (3) or more dogs of six (6) months or older are kept either temporarily or permanently, for sale, boarding, breeding or training purposes, for remuneration.

**LAKE.** A body of water including, but not necessarily limited to, lakes of one acre or more in area with a water depth at any location of twenty-four (24) inches or more and rivers, streams, and other watercourses whether a natural body of water or artificially made.

**LANDFILL, SANITARY.** A solid waste disposal facility approved and licensed in accordance with the Solid Waste Management Act, Public Act 641 of 1978, as amended.

**LAND USE PERMIT.** A land use permit is the written authority issued by the Zoning Administrator permitting the construction, removal, moving, alteration or use of a building, excavations, ponds and swimming pools, or signs in conformity with the provisions of this ordinance.

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

**LOCAL FIRE OFFICIALS.** The entity or organization empowered to provide fire protections services to the Township as stated in contracts currently in effect for these services and available for review at the Township Hall.

**LODGING HOUSE.** A building where lodging, with or without meals is provided for compensation to three (3) or more persons, as opposed to hotels open to transients.

**LOT.** A parcel of land or platted lot, occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records.

**LOT AREA, GROSS.** The total horizontal area within the lot lines of a lot.

**LOT AREA, NET.** The total horizontal area within the lot lines of a lot exclusive of all private and public road easements or rights-of-way.

**LOT AREA, DEVELOPABLE.** The net lot area not intended to be included as open space as describe in Section 21.51 of the Township Zoning Ordinance.

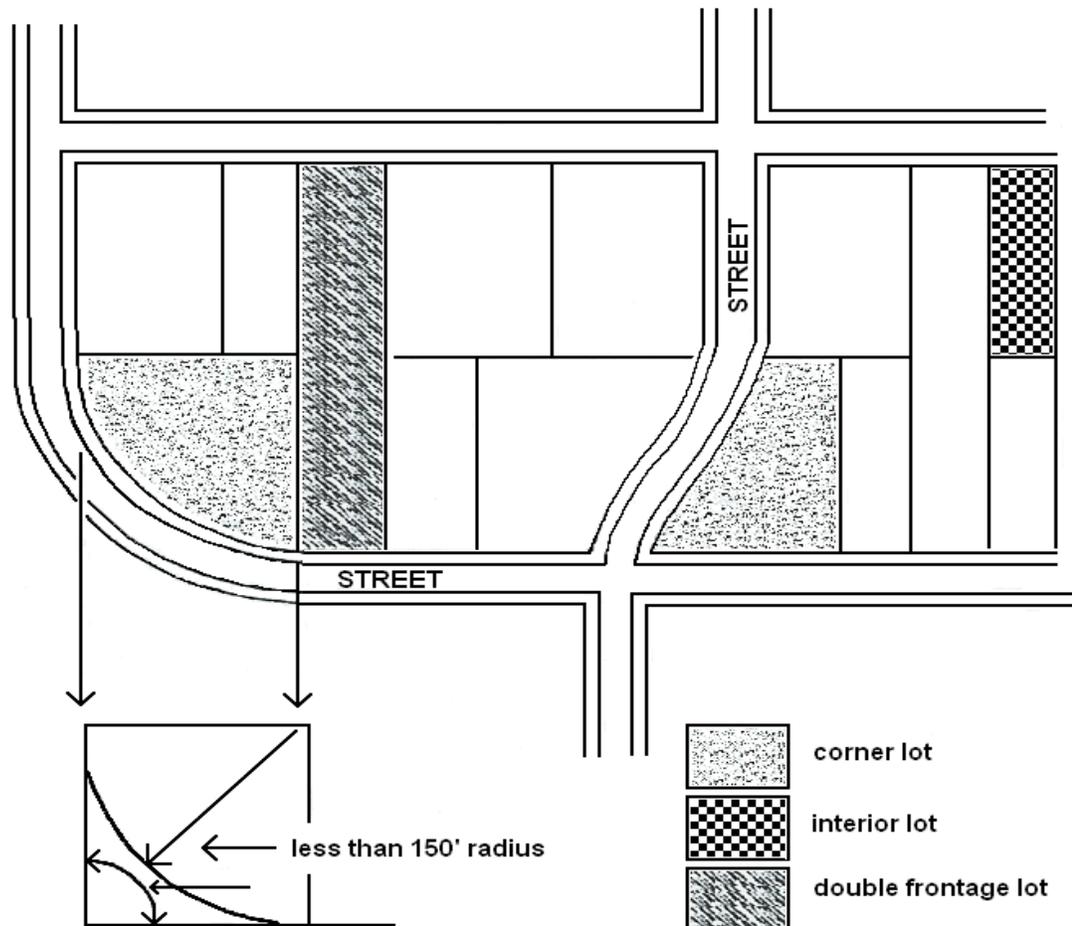
**LOT, CORNER.** A lot at the junction of and fronting on two or more intersecting street rights-of-way (see Figure 2.5, *below*).

**LOT, DOUBLE FRONTAGE.** Any interior lot having frontages on two (2), more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required (see Figure 2.5, *below*).

**LOT, FLAG.** A lot which has a narrow appendage used primarily to provide access to the larger body of the lot which does not have direct road frontage.

**LOT, INTERIOR.** Any lot other than a corner lot (see Figure 2.5, *below*).

**Figure 2.5 CORNER, INTERIOR & DOUBLE FRONTAGE LOTS**



**LOT COVERAGE.** The part or percent of the lot occupied by buildings, including accessory buildings.

**LOT DEPTH.** The horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines.

**LOT FRONTAGE.** The legal line of demarcation between a lot or parcel and a road right-of-way or easement. See also LOT, LOT LINES.

**LOT LINES.** The lines bounding a lot as defined herein:

**FRONT LOT LINE.** In the case of an interior lot, that line separating the lot from the public or private street right-of-way or easement that provides access to the lot. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating the lot from that street which is designated as the front street in the plat and in the application for a land use permit. For a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained. It is the intention of this definition to provide for a logical continuation of observed front lot lines consistent with any existing, conforming lots of record adjacent to a proposed lot. See also LOT FRONTAGE.

**REAR LOT LINE.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

**SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**ZERO LOT LINE.** The line which marks the point of abutment between the adjoining wall of two structures in zoning districts wherein abutting or attached structures, buildings or units are allowable. Zero lot lines shall not be allowed with respect to any property line

**LOT OR PARCEL OF RECORD.** A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the deed to which has been recorded in the office of the County Register of Deeds at the time this ordinance is passed.

**LOT OR PARCEL WIDTH.** The horizontal distance between side lot lines, measured parallel to the front lot line at the minimum required front setback. For irregularly shaped lots with access easements or flag lots connecting to a public street, lot width shall be measured at the point where the narrow access appendage connects to the main body of the parcel. (Methods for measuring lot widths are provided in Section 20.02.)

**MANUFACTURED HOME PARK.** A parcel or tract of land under the control of an individual, partnership, association, trust or corporation upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park. A Manufactured Home Park is subject to licensing, construction, operation and management rules of the Michigan Manufactured Housing Commission as established by P.A. 96 of 1987, as amended, and any township regulations approved by the Manufactured Housing Commission.

**MANUFACTURED HOUSING:**

**MODULAR HOME.** A type of factory-built housing with one or more three-dimensional components. A modular home is usually brought to a building site on a flat-bed carrier and erected or assembled there. A modular home is subject to state and local building codes.

**PANELIZED HOME.** A type of housing using factory-built panels - a whole wall with windows, doors, wiring, or outside siding, for example. A panelized home is usually brought to a building site on a flat-bed carrier and erected or assembled there. A panelized home is subject to state and local building codes.

**MANUFACTURED 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 a permanent foundation, when connected to required utilities, and includes plumbing, heating, air conditioning and electrical systems contained in the structure.

**MASTER PLAN.** The comprehensive plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan or part thereof may or may not be adopted by the Township Planning Commission.

**MDEQ.** Michigan Department of Environmental Quality.

**MEDICAL MARIJUANA.** **Medical Use of Marijuana**, also known as **Marihuana**, also known as **Cannabis**, has the meaning given to it in Section 7601 of the Michigan Public Health Code, as it is referred to in Section 3(d) of the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, as amended. (For additional definitions pertaining to the MMMA see Section 21.55.D DEFINITIONS.)

**MOTEL OR MOTOR COURT.** A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish overnight Lodging accommodations for transient guests, open to the traveling public for compensation.

**MOTOR HOME.** A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include manufactured homes.

**MOTOR VEHICLE FUELING STATION.** A place used for the retail sale and dispensing of fuel or lubricants, either full or self-service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile fueling stations may also incorporate a convenience store, restaurant, automotive service center, or similar operations as an accessory use, provided it is clearly incidental to the fueling station use.

**MOTOR VEHICLE MAJOR REPAIR.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; clutch, differential, axle and spring repairs; repairs of the radiator that require removal; recapping or retreading of tires; and similar servicing, rebuilding or repairs that normally require significant disassembly or storing the automobiles on the premises for longer than twenty-four (24) hours.

**MOTOR VEHICLE MINOR REPAIR.** Engine tune-ups, servicing of spark plugs, batteries, distributors and distributor parts; servicing of brakes and shocks, air conditioning and exhaust systems; oil change or lubrication; tire servicing and repair to include replacement of mufflers and tail pipes, water hoses, fan belts, break-fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, mirrors, auto glass, accessory equipment, and the like; radiator cleaning and flushing; fuel pump, oil pump and line repairs; minor servicing and repair of carburetors; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises for more than twenty-four (24) hours.

**NONCONFORMING BUILDING.** A nonconforming building is a building or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and which does not conform to zoning provisions in the district where located.

**NONCONFORMING LOT.** A lawfully existing lot that does not conform to the applicable area and yard regulations for the zoning district, either at the effective date of this ordinance or as a result of subsequent amendments thereto.

**NONCONFORMING USE.** A nonconforming use is a use which lawfully occupied a building or land at the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

**NUISANCE FACTORS.** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line, which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to:

- a. Noise;
- b. Dust;
- c. Smoke;
- d. Odor;
- e. Glare;
- f. Fumes;
- g. Flashes;
- h. Vibration;
- i. Shock waves;
- j. Heat;
- k. Electronic or Atomic Radiation;
- l. Objectionable effluent;
- m. Noise of congregation of people, particularly at night.

**OFF-STREET PARKING LOT.** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering to provide access for entrance and exit for the parking of vehicles. The term does not apply to single family and two-family residential uses on individual lots.

**OPEN SPACE.** An unoccupied space open to the sky. When open space is required as part of a cluster development proposal or other development that specifically requires open space, such open space areas shall be designed in accordance with the provisions of Section 21.51.

**OPEN SPACE MAINTENANCE AGREEMENT.** A legally binding document, satisfactory to the Planning Commission, intended to assure maintenance and preservation for the intended purpose of open space required by this Ordinance. Protective covenants, deed restrictions, a condominium master deed, condominium association bylaws, subdivision association bylaws and similar written, legally enforceable devices may be used to assign responsibility and otherwise provide for the continuing ownership and care of privately owned open space.

**ORDINARY HIGH WATER MARK.** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil and the vegetation.

**OUTDOOR DISPLAY.** Objects or merchandise set out for viewing by the public, arranged so they are brought to the attention of person from off-site, as in goods that are displayed for sale. Outdoor display is typically arranged in an attractive and orderly fashion, for easy access and viewing by customers. Those goods, vehicles, and materials displayed shall be samples, not in large quantities or primarily as inventory storage.

**OUTDOOR STORAGE.** A large supply or stock of goods or materials kept for future use; a supply of goods from which things are taken when required. Vehicles, goods, and materials left in one place for 48 hours or more are considered to be stored, unless such items are part of an approved outdoor display as permitted under this Ordinance.

**OWNER.** A person holding any legal, equitable, option, or contract interest in land.

**PARALLEL PLAN.** A plan that conceptually demonstrates the total number of lots that may be created on a parcel for use in a particular zoning district. The lots indicated on the parallel plan shall be conforming in all respects to lot requirements for the zoning district where the land is located, including providing sufficient area, width, depth to width ratio, frontage on public or private access routes, and otherwise complying with open space requirements and indicating undevelopable wetland areas. A parallel plan is generally intended to establish the maximum number of lots that could be developed on a parcel in accordance with requirements of this Ordinance and other applicable regulations.

**PARCEL.** Shall mean a continuous area or acreage of land that is not included in a subdivision as regulated by the Michigan Land Division Act nor included in a condominium as regulated by the Michigan Condominium Act.

**PARKING SPACE.** An area not less than 18 feet in length and 9 feet in width; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

**PERSON.** Shall mean a human being, partnership, corporation, limited liability company, trust, association, including a condominium association, homeowners or lake association, governmental entity or agency, and any other entity to which the law provides or imposes rights or responsibilities.

**PLANNED UNIT DEVELOPMENT.** A land development project comprehensively planned as an entity via a unitary site plan, which permits flexibility in building sites, mixtures of housing types and land uses, including condominiums, usable open spaces, and the preservation of significant natural features.

**POND.** Pond means an excavation or alteration of a watercourse by damming or excavation or combinations thereof, for the purpose of creating a body of water greater than 500 square feet in area for use as an irrigation source, for livestock watering, for fish or aquatic life production, for recreational or aesthetic purposes, or for a landscape amenity.

**PRIMARY ROAD.** See STREET.

**PRINCIPAL BUILDING.** A building in which is conducted the main use of the lot upon which it is situated.

**PRINCIPAL USE.** The main lawful use devoted to the premises and the main purpose for which the premises exist.

**PRIVATE DRIVEWAY.** See Article 24.01.C.

**PRIVATE ROAD.** See **STREET**, also Article 24.01.B.

**PRIVATE ROAD LAND DEVELOPMENT.** A division of land, other than subdivisions as defined by the Michigan Land Division Act, as amended, resulting in one (1) or more parcels having a lot width not less than the width required by the residential district in which it is located on a nonpublic or private road, or a public road. See also Article 24.01.A

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state, or municipal regulations, to the public; electricity, gas steam, communications, telegraph, transportation, or water.

**RECREATIONAL APPARATUS.** Includes recreational vehicles, recreational equipment, antique or racing automobiles, boats, aircraft, utility trailers, demountable travel equipment of the type adaptable to light duty trucks, snowmobiles, all-terrain or special terrain vehicles, utility trailers, floats, rafts, trailers used to transport any of the aforementioned vehicles or equipment, and equipment or vehicles of a similar nature. Recreational apparatus shall not include vehicles used for daily transportation.

**RECREATIONAL SITE.** Shall mean a Common Use Lot intended for recreational purposes including but not limited to, swimming, sunbathing, lounging, beach uses, boating, water sport and other water related activities.

**RECREATIONAL VEHICLE.** A portable vehicular unit that can legally travel Michigan highways with a standard license, or that may be mounted on or drawn by another vehicle. The unit is primarily designed for travel and/or recreational usage, and also may contain facilities for periodic overnight lodging. This term also includes folding campers, travel trailers, camping trailers, truck mounted campers and caps, and motor homes, but does not include manufactured homes.

**RECREATIONAL VEHICLE PARK.** A recreation oriented facility for the overnight or short term parking of travel trailers, tents, motor homes, vans and other types of vehicles that provide sleeping shelter for vehicle occupants. May also be known as a campground.

**REGULATED FACADE.** An exterior building surface located in a B-1, B-2, OS, ES, M-1, M-2, ROM, EI, RM-1, PCI, PCS, PIRO, or PO zoning district and the surface is visible from and located within five hundred (500) feet of a public or private road *or* is visible from a height of five (5) feet above grade and located within five hundred (500) feet of an FR, RE, R-1, R-2, or RM-1 residential zoning district.

**ROAD.** See **STREET** definitions for different types of roads regulated by this Ordinance.

**ROADSIDE STAND.** A temporary or permanent building operated for the purpose of selling produce. Its use shall not make into a commercial district land which otherwise would be classified as agricultural or residential, and its use shall not be deemed a commercial activity.

**SANCTUARY, ANIMAL OR WILDLIFE.** A USDA-accredited facility where animals are kept and protected from negative human intervention for the remainder of their natural lives.

**SATELLITE DISH ANTENNA.** A device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth orbiting satellite. It may be a solid, open mesh, or bar-configured structure in the shape of a shallow dish or parabola. These antennas may be principal or accessory structures.

**SEASONAL MOBILE HOME PARK.** A parcel or tract of land under the control of a person or persons upon which three (3) or more manufactured homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. A seasonal manufactured home park is not a campground as defined by Act 368 of 1978. Seasonal manufactured home parks are licensed according to Act 96 of 1987, the Mobile Home Commission Act. See **CAMPGROUND**.

**SERVICE ROAD.** A roadway parallel to an arterial and which provides access to abutting properties and protection from through traffic.

**SETBACK.** The distance required to obtain the minimum front, side, or rear yard open space as required by this ordinance.

**SHARED PRIVATE DRIVEWAY.** See Section 24.01.D.

**SIGHT LINES.** A line across the width of a lake Lot which connects the point closest to the lake on the foundation of the adjacent principal structure on either side of the Lot or parcel of land upon which the proposed structure is to be constructed, provided that the adjacent principal structures are contiguous to the Lot or parcel upon which the proposed structure is to be constructed or are located on a Lot within 300 feet of the proposed structure. (See Figure 2.6, page 2-28)

**SIGNS.** The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to show, advertise and promote an individual firm, profession or business, and are visible to the general public.

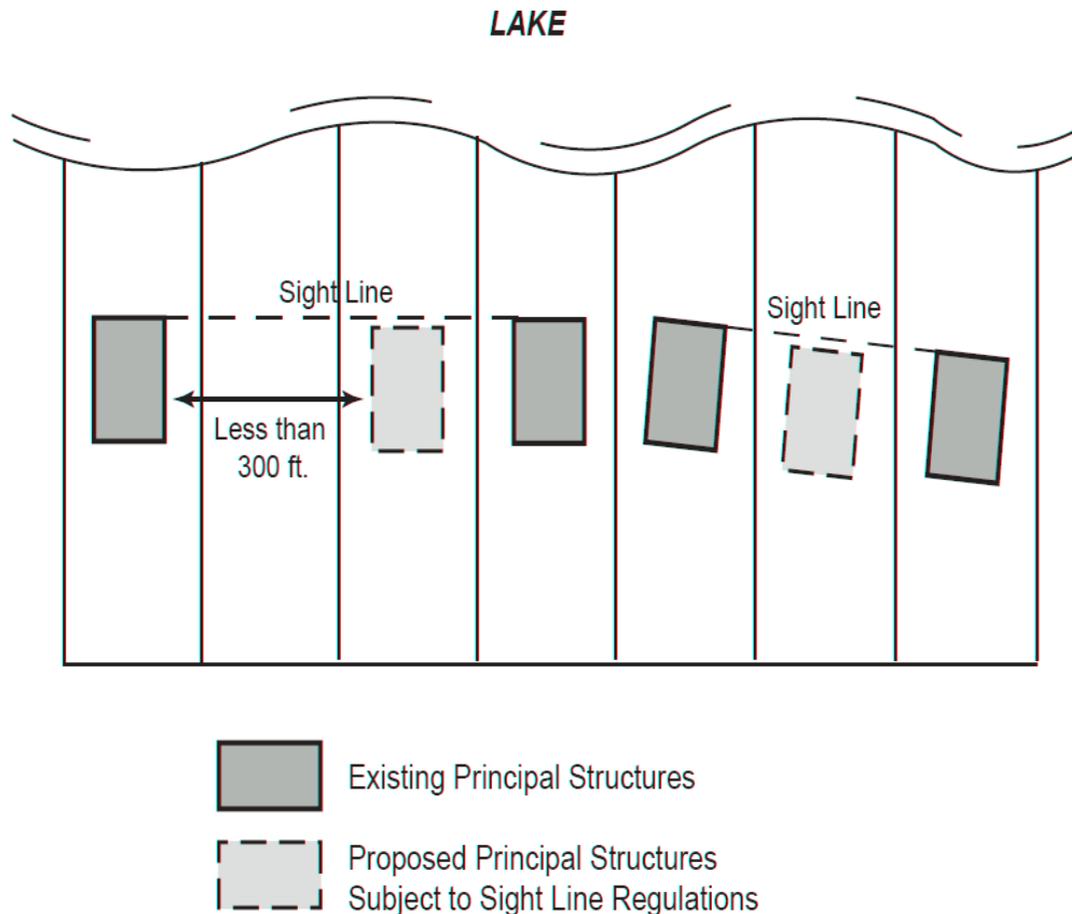
**SPECIAL LAND USE.** A use permitted by the Township Board, with the recommendation of the Planning Commission, to accommodate certain land uses that are not normally compatible with other land uses permitted in a district or whose effect upon adjoining land uses are not

immediately determinable; therefore, requiring certain conditional regulations to guide their development within a given district. Such uses are reviewed by the Planning Commission including site plan review and the addition of specific requirements to insure conformity within the district.

**SPECIAL LAND USE PERMIT.** The permit issued for a special land use after review by the Planning Commission and approval by the Township Board.

**STATE LICENSED RESIDENTIAL FACILITY.** A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737 or 1973 PA 116, MCL 722.111 to 722.128 and provides residential services for six (6) or fewer persons under 24 hour supervision or care.

Figure 2.6 SIGHT LINES



**STORY.** That part of a building included between the surface of one (1) floor and the surface of the next floor, or if there is not a floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground. (See Figure 2.7, *below* and Figure 2.8, *page 2-29*)

**STORY, HALF.** 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 (7) feet six (6) inches. For the purpose of this ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling (see Figure 2.7, *below* and Figure 2.8, *page 2-29*.)

**Figure 2.7 BASIC STRUCTURAL TERMS**

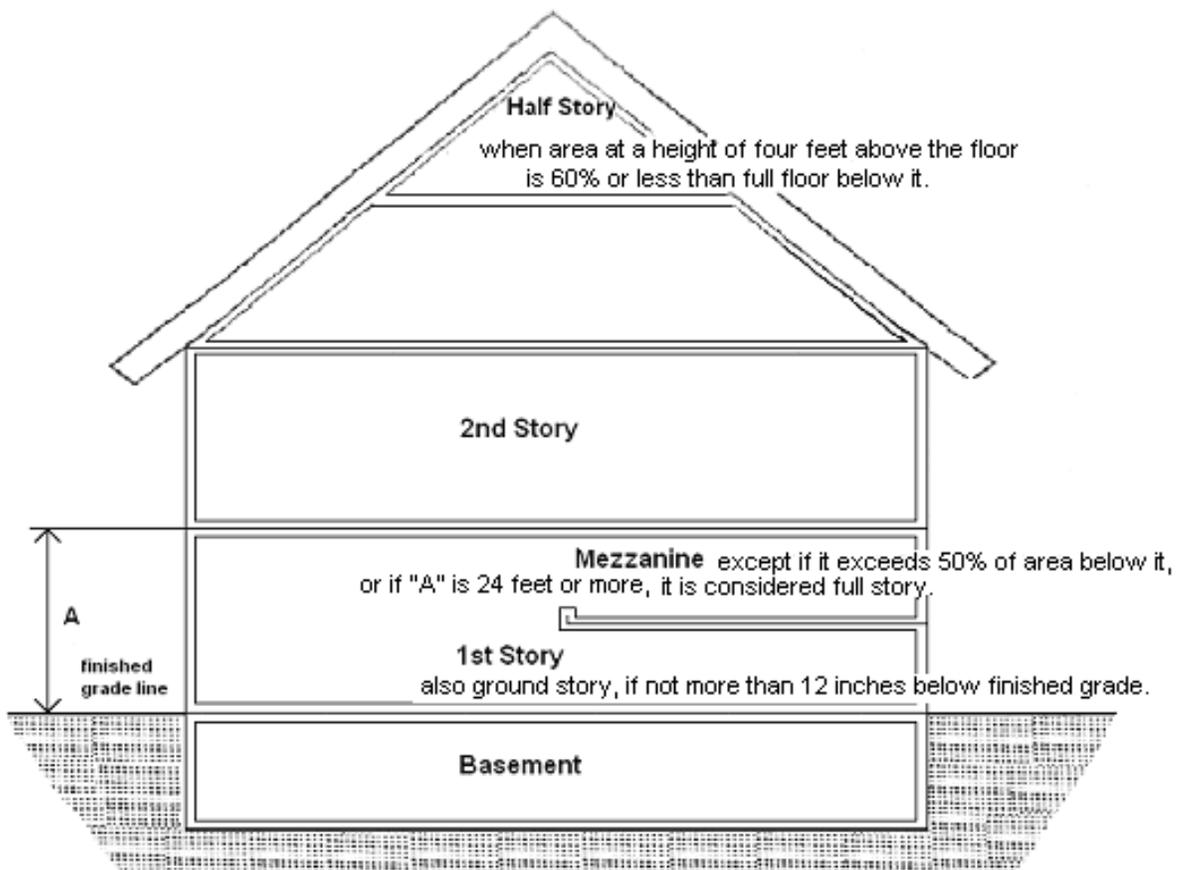
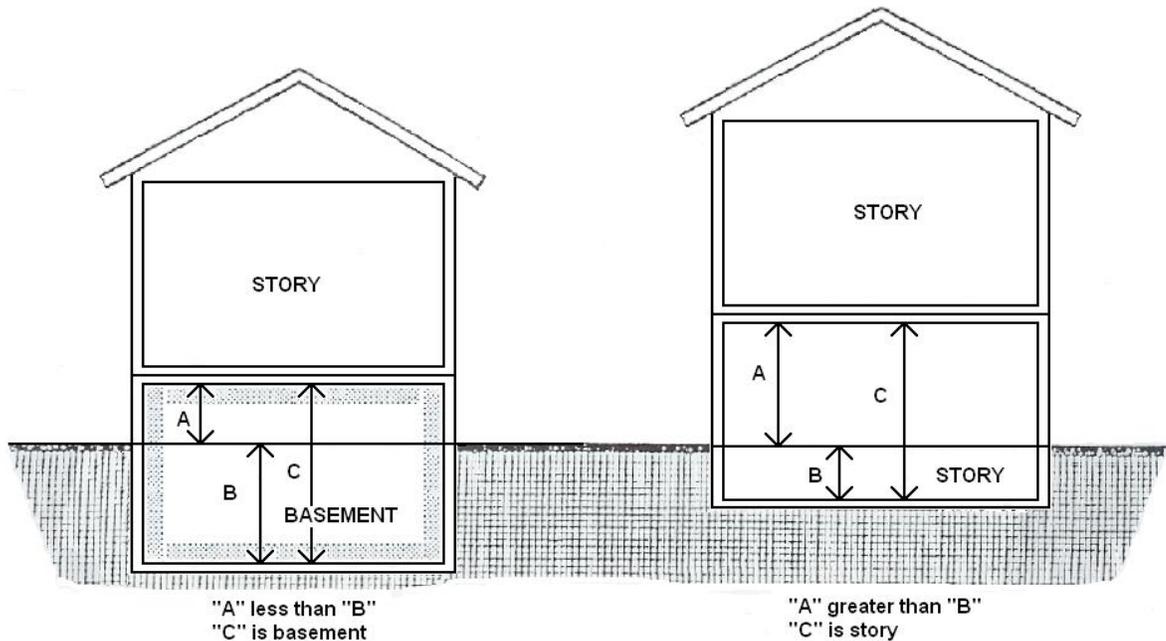


Figure 2.8 BASEMENT AND STORY



**STREET.** Any public or private arterial or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

**PRIVATE ROAD.** Any road which is to be privately maintained and has not been accepted for maintenance by the Tyrone Township, Livingston County, the State of Michigan or the federal government, but which meets the requirement of these Zoning Regulations or has been approved as a private road by the Township under prior ordinances.

**PUBLIC STREET.** Any road or portion of a road which has been dedicated to and accepted for maintenance by Livingston County, the State of Michigan, or the federal government.

**ARTERIAL ROAD OR AN ARTERIAL.** A paved road which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the Township. An arterial road may also be an arterial.

**COLLECTOR STREET.** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties. A collector road is usually paved.

**CUL-DE-SAC.** A road that terminates in a vehicular turnaround.

**LOCAL OR MINOR STREET.** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

**PRIMARY ROAD.** A road that is part of the existing primary road system as defined in Michigan Public Act 51 of 1951, as amended. A primary road may be paved or unpaved. For purposes of this Ordinance, the following roads shall be considered Primary Roads:

- Faussett Road (from McGuire to Old US 23)
- White Lake Road (from Bennett Lake Road to eastern Township border)
- Center Road (from US 23 to Denton Hill Road)
- Linden Road (north of Bennett Lake Road)
- Bennett Lake Road
- Denton Hill Road
- Old US 23

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, but not including driveways, walkways and similar items less than eight (8) inches above the surface of the ground.

**SUBMERGED LAND.** The land under the ordinary high-water mark of an inland lake, pond, river, or stream owned by a riparian property owner, as defined by Michigan Public Act 451 of 1994.

**SWIMMING POOL.** Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or wading. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**TEMPORARY USE OR BUILDING.** A use or building permitted by the Township Board to exist for a temporary period of time during construction of a main building, or for special events. A temporary dwelling or use permit is required.

**USABLE LAND.** The total horizontal surface area within the lot lines of a lot, exclusive of: all public and private road easements and rights-of-way; wetlands regulated by the Goemaere-Anderson Wetland Protection Act; and submerged land.

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

**UTILITY-SCALE SOLAR ENERGY FACILITIES.** A system to produce electricity for sale back to, or use in, an electrical energy grid system and not primarily consumed on site.

**VARIANCE.** A modification of the literal provisions of the zoning ordinance granted by the Zoning Board of Appeals.

**VEHICLE MAINTENANCE AND REPAIR - MINOR.** General maintenance activities on motor vehicles such as oil change and lubrication; servicing or installation of spark plugs, batteries, air filters, and windshields wipers; sale and installation of automobile accessories such as tires, radios, and air conditioners; wheel alignment, balancing, and undercoating. Minor Vehicle Repair and Maintenance excludes major mechanical repairs, collision and body work, painting, work which requires removal of the engine, and similar extensive work. Minor Vehicle Repair and Maintenance typically requires less than one day and vehicles are not kept overnight.

**VEHICLE REPAIR - MAJOR.** All general repair and reconditioning of motor vehicles, including engine rebuilding, repair of collision damage, and overall painting. Major Vehicle Repair is characterized by overnight storage of vehicles, machining, use of solvents, large parts, painting booths, the need for special environmental controls like noise protection, and similar.

**WATER FRONTAGE.** Shall mean that portion of a Lot, Parcel or Condominium Unit of land of record as documented by an instrument duly recorded with the Livingston County Register of Deeds, that abuts or intersects with the ordinary high water mark of a Lake, whether such a Lot or Parcel or Condominium Unit is owned by one or more Persons, or commonly owned by several Persons, or combinations of Persons.

**WATER FRONT LOTS.** A lot adjoining a body of water, such as a Lake, river, or canal, but not including interior ponds or County drains less than 12 inches in depth. Lots adjoining a retention pond shall be considered waterfront lots, provided the retention pond satisfies the definition of a Lake.

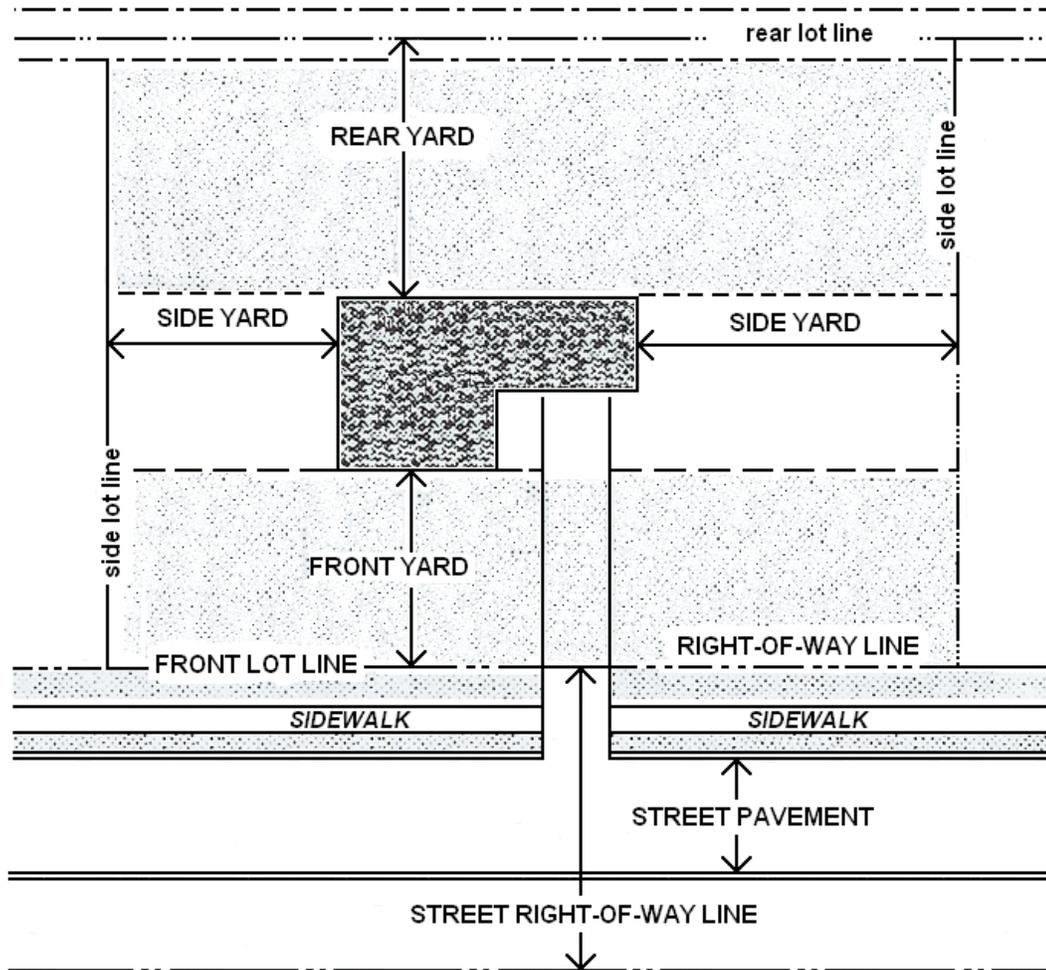
**YARD.** The open space between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein (see Figure 2.9, *page 2-32*). The minimum required setback is the depth of a front, side, or rear yard necessary to conform to the required yard setback provisions of this ordinance.

**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 point of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.

**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 point of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.

**SIDE YARD.** An open space between a 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 point of the principal building.

Figure 2.9 YARD TERMS



**ZOOLOGICAL PARK (ZOO).** A USDA-accredited facility that maintains a collection of wild, exotic, domestic, or any combination thereof, animals, typically in a park or garden setting, for study, display, or conservation.

**ZONING ADMINISTRATOR.** The official of Tyrone Township or authorized representative charged with the responsibility of administering this ordinance.

REVISIONS:

- 2000 DECEMBER - Attachment, Front Lot Line, Open Space.
- 2003 MAY - Boat, Boat Launching, Condominium Unit, Common use Lot, Dock- Docked- Docking, Dwelling Unit, Lot, Parcel, Person, Recreational Site, Water Frontage.
- 2004 MARCH - Awning, Canopy, Regulated Facade.
- 2005 SEPTEMBER - Lot Area - Developable, Ponds, Ordinary High Water Mark, Useable Floor Area, Water Frontage.
- 2007 APRIL - Adult Day Care, Adult Foster Care Family Home, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, ~~Board of Appeals~~, Exception, Floor Area, Useable (UFA), Foster Family Home, Foster Family Group Home, Local Fire Officials, Ordinary High Water Mark, State Licensed Residential Facility, Variance, Water Frontage, Waterfront Lots.
- 2007 JULY - Agri-Business, Roadside Stand.
- 2007 DECEMBER - Sight Lines.
- 2009 OCTOBER – Added: Motor Vehicle Fueling Station, Motor Vehicle Major Repair, Motor Vehicle Minor Repair, Elderly Housing.
- 2010 MAY – Revised: Boat, Recreational Vehicle. Added: Boat Trailer, Commercial Vehicle, Recreational Apparatus.
- 2012 MAY – Added: Accessory Structure, Structure, Street, Primary Road.
- 2012 OCTOBER – Added: Household Pet, Kennel.
- 2013 OCTOBER - Added: Medical Marijuana.
- 2013 OCTOBER- Revised Section 2.01 Definitions of Accessory Building, Accessory Use, and Accessory Structure
- 2014 SEPTEMBER – Revised: 2.00.I to add “abutting” and “adjacent to”; revised Regulated Façade, Satellite Dish Antenna, Setback, Yard, Front Yard, Rear Yard, Side Yard.
- 2015 JANUARY – Added Outdoor Display, Outdoor Storage, Vehicle Maintenance and Repair – Minor, and Vehicle Repair – Major.
- 2016 OCTOBER – Added: Animal, Domesticated; Animal, Exotic; Animal, Wild; Sanctuary, Animal or Wildlife; Zoological Park (Zoo). Revised: Household Pet.
- 2019 JULY – Added definitions for "Submerged Land" and "Utility-scale Solar Energy Facilities".