

ARTICLE II

ARTICLE II DEFINITIONS

Section 201 Construction of Language

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

- (A) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- (B) The particular shall control the general.
- (C) In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (D) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (E) The word "use" includes the words, structures and buildings associated with such use.
- (F) When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- (G) The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
- (H) The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
- (I) The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- (J) The word "lot" includes the words "plot" and "parcel."
- (K) 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 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 single but not in combination.

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- (L) Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- (M) Whenever reference is made to several sections and the section numbers are connected by the word “to,” the reference includes both sections whose numbers are given and all intervening sections.

Section 202 Definitions

For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

- (1) Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
- (2) 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.
- (3) Adjacent Grade: Adjacent grade shall mean the average ground elevation at a point three feet on each side of the fence. In the case of a fence on a retaining wall, adjacent grade shall be the elevation of the top of the retaining wall. (Amendment 9/11/2017)
- (4) Agricultural Land: Means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities, including in varying degrees the preparation products from on-site source materials, and the direct marketing of resulting products.
- (5) Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
- (6) Apartment: A dwelling unit in a “multiple family dwelling” as defined herein.
- (7) Area, Sign: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or upright on which the sign is placed. Where a sign consists solely of

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lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the circle, triangle, or parallelogram, which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.

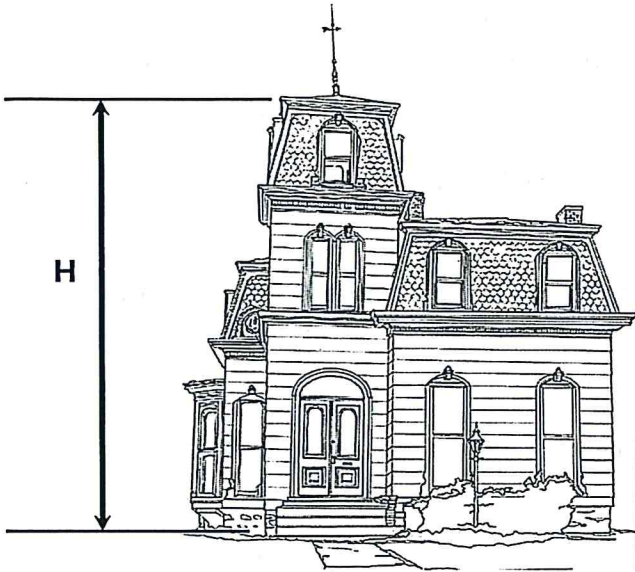
- (8) Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or re-conditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
- (9) Basement: That portion of a building which is partially or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- (10) Batch Plants: A temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.
- (11) Bed and Breakfast: A single family residence structure, in which the innkeeper resides and offers sleeping rooms which are available for rent to transient tenants on a short-term basis. Breakfast (and/or other meals) may be served to its guests at no additional cost. Guest accommodations shall be subordinate to the principal use of the dwelling as a single family residence.
- (12) Berm: A man-made, formed, earth mound of definite height and width, often used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
- (13) 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, un-subdivided acreage, lake, river, stream, or other barrier to the continuity of development.
- (14) Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such structures (dwelling, breezeway, accessory building) shall be considered as one integral unit.
- (15) Buffer: A strip of land, including any specified type and amount of planting or structures, which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

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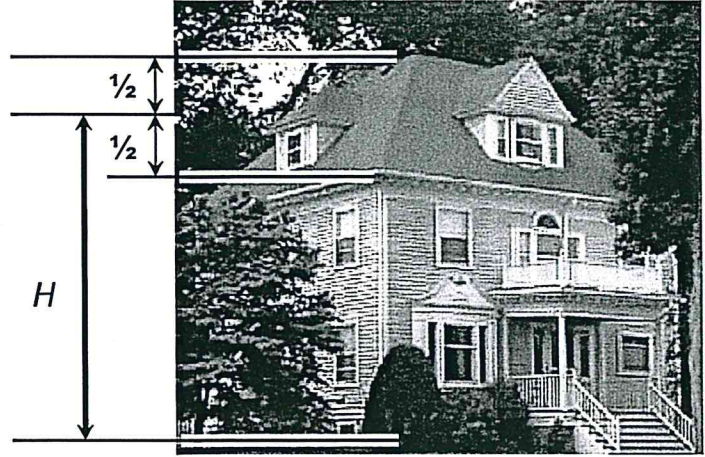
- (16) **Building**: Any structure having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals or property.
- (17) **Building Height**: In all cases measuring from the established grade to: the average height between eaves and ridge for gable, hip, and gambrel roofs; the vertical distance to the highest point of the roof surface for flat roofs; and to the deck line of mansard 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 walls. (See illustration below).
- (18) **Building, Principal**: A building in which is conducted the main or principal use of the lot on which said building is located.
- (19) **Bulletin Board**: A sign whose primary purpose is to announce events or other occurrences related to the premise.
- (20) **Carport**: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.
- (21) **Cemetery**: Property used for the interring of the dead.
- (22) **Child care center**: (Also known as a Day Care Center): A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that 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 centers are licensed by the State of Michigan under Public Act 116 of 1973, as amended. Child care center or day care center does not include:
- (a.) A Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during any twelve (12) month period, or
 - (b.) A facility operated by a religious organization where children are cared for not more than three (3) hours while parents or guardians attend religious worship services.

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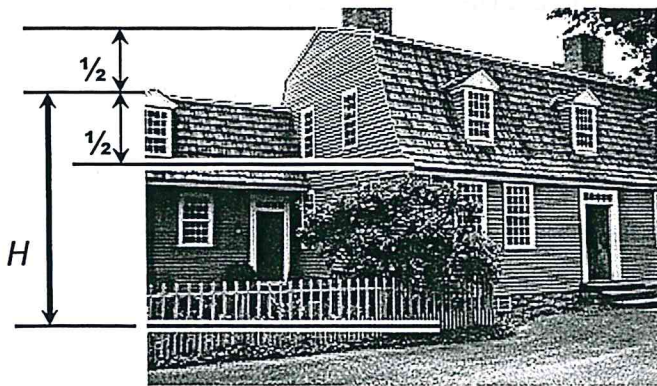
H = HEIGHT OF BUILDING



MANSARD ROOF



HIP ROOF



GAMBREL ROOF



GABLE ROOF

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- (23) Church, Synagogue, Mosque, Temple or Other Place of Worship: A building whose primary purpose is the regular assembly 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.
- (24) Clinic: A place where medical or dental care is furnished to persons on an out-patient basis by two or more licensed health care professionals.
- (25) Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
- (26) Commercial Vehicle: A vehicle licensed as a commercial vehicle registered to do business in the State of Michigan.
- (27) Condominium: See Section 418.
- (28) Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running between them. Property which is joined at a common point only, is not considered contiguous property.
- (29) Convalescent Home, Home for the Aged, or Nursing Home: A home for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, and licensed or required to be licensed by the State of Michigan, but not including housing for the elderly where such persons live independently in individual apartment units.
- (30) County Board: The Marquette County Board of Commissioners.
- (31) Cul-de-Sac: See Section 414(A) Definitions.
- (32) Directional Sign: A sign which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
- (33) District: A zoning district.
- (34) Driveway: See Section 414(A) Definitions.
- (35) Dwelling, Single-Family: A structure, including a manufactured home, designed or used for residential occupancy by one family.

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- (36) Dwelling, Two-Family: A structure containing two dwelling units each designed for residential occupancy by one family.
- (37) Dwelling, Multiple Family: A structure containing more than two dwelling units each designed for residential occupancy by one family, including both rental units and those units owned through a condominium organizational environment.
- (38) Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.
- (39) Earth Sheltered Home: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.
- (40) Easement: See Section 414(A) Definitions.
- (41) 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 towers, 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 office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
- (42) Excavation: Any breaking of ground, except common household gardening, general farming and ground care.
- (43) Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. 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.
- (44) Family (Child) Day Care Home (Licensed): A private home (dwelling) in which one (1) but fewer than seven (7) 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

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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. Family day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.

- (45) **Farm:** A farm is an establishment engaged in growing crops, sod, plants, trees, shrubs, nursery stock; an establishment engaged in dairying, the maintaining or the raising of livestock and poultry, the keeping of horses, small animals, as well as other similar agricultural land uses.

A farm includes farm buildings such as barns, pole buildings for equipment storage and repair, greenhouses, apiaries and other similar structures.

A farm's land area includes all of the contiguous neighboring or associated land operated as a single unit on which bona fide 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.

- (46) **Feedlot:** An animal feeding operation is a concentrated animal feeding operation for the purposes of §122.23 (Under 40 CFR 122, Appendix B) and for the purpose of defining a "feedlot" under this zoning ordinance, if either of the following criteria are met.

- (a.) More than the numbers of animals specified in any of the following categories are confined:

- (1.) 1,000 slaughter and feeder cattle,
- (2.) 700 mature dairy cattle (whether milked or dry cows),
- (3.) 2,500 swine each weighing over 25 kilograms (approx. 55 lbs.),
- (4.) 500 horses,
- (5.) 10,000 sheep or lambs,
- (6.) 55,000 turkeys,
- (7.) 100,000 laying hens or broilers (if the facility has continuous overflow watering),
- (8.) 30,000 laying hens or broilers (if the facility has a liquid manure system),
- (9.) 5,000 ducks, or
- (10.) 1,000 animal units¹ as a result of any combination; or

Notwithstanding the above schedule, the following schedule shall apply in cases where one of the following conditions are met:

- X pollutants are discharged into navigable waters through a manmade² ditch, flushing**

¹ All other animal types not in schedules 1. and 2. are to be calculated as one thousand pounds live weight equals one animal unit.

² The term manmade ditch or device means constructed by man and used for the purpose of transporting wastes.

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- X **system or other similar manmade² device; or**
- X **pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility; or**
- X **pollutants otherwise come into direct contact with the animals confined in the operation.**

(b.) More than the following number and types of animals are confined:

- (1.) 300 slaughter or feeder cattle,
- (2.) 200 mature dairy cattle (whether milked or dry cows),
- (3.) 750 swine each weighing over 25 kilograms (approx. 55 pounds),
- (4.) 150 horses,
- (5.) 3,000 sheep or lambs,
- (6.) 16,500 turkeys,
- (7.) 30,000 laying hens or broilers (if the facility has continuous overflow watering),
- (8.) 9,000 laying hens or broilers (if the facility has a liquid manure handling system),
- (9.) 1,500 ducks, or
- (10.) 300 animal units¹ as a result of any combination:

Provided, however, that no animal feeding operation is a concentrated animal feeding operation (feedlot) as defined above under schedule (b.) if such animal feeding operation discharges only in the event of a 25 year, 24-hour storm event.

The term animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

- (47) **Fence**: An artificially constructed barrier of wood, metal, or stone erected as a dividing marker, barrier or enclosure erected for the separation of yard access for the defining of a lot or parcel or the keeping of animals. (Amendment 9/1//2017)
- (48) **Filling**: The depositing or dumping of any matter into or onto the ground, except in cases involving common household gardening and general yard or landscape maintenance.
- (49) **Floodplain**: Means those areas of land adjacent to the rivers, and other water courses of the Township, subject to seasonal or periodic flooding.

More particular definitions of floodplain are the 100 year or 500 year floodplains as defined and mapped, delineating the respective flood elevations and geographic areas of flooding under the U.S. Federal Emergency Management Agency's national flood insurance program.

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- (50) Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), basements, and breezeways shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.
- (51) Floor Area, Ratio: A measure of intensity of land use, calculated as a ratio, derived by dividing the total floor area of a building(s) by the lot area.
- (52) Floor Area, Usable: For purposes of computing parking requirements, it is 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 for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of “useable floor area.” Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of living areas of the building, measured from the interior faces of the exterior walls, including private garages.
- (53) Foster Family Home (private home): A private residence (dwelling) in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, or a family day care home, as follows:
- (a.) “Foster family home” is a private home (dwelling) 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 who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
 - (b.) “Foster family group home” means a private home in which more than four (4) but fewer than seven (7) minor children , who are not related to an adult member of the household by blood, marriage, or who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
- (54) Fur Farm: The place of confined keeping, raising, or breeding of more than 150 animals for the purpose of producing fur or pelts.
- (55) Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or

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equipment, and having no public sales or shop services in connection thereof.

- (56) Gasoline Service Station: A structure used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
- (57) Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.
- (58) Group (child) Day Care Home: A private home (dwelling) in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. Group day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.
- (59) Height: The average distance between the top element in the fence and the adjacent grade over the length of a straight section of fence with no corners. (Amendment 9/1//2017)
- (60) Hobby Farms: The keeping of livestock animals that is accessory to a dwelling on non-farm lots or parcels outside of an existing residential plat, subdivision, and condominium development, unless such development is originally designed to provide for said accessory hobby farms as provided herein. (See Section 415.)
- (61) Home occupation: Home occupation means a use or occupation conducted on the premises either within the main residential dwelling or an accessory building, if permitted, which accessory building is clearly incidental and secondary to residential occupancy.
- (62) Hotel/Motel: A structure designed, used, or offered for residential occupancy for a temporary period, including tourist homes, resorts, lodges, motels, extended stay motels and youth camps, but does not include hospitals and nursing homes.
- (63) Identification Sign: A sign which pertains to the use of a premise and contains any or all of the following information:
- (a.) The occupant of the use.

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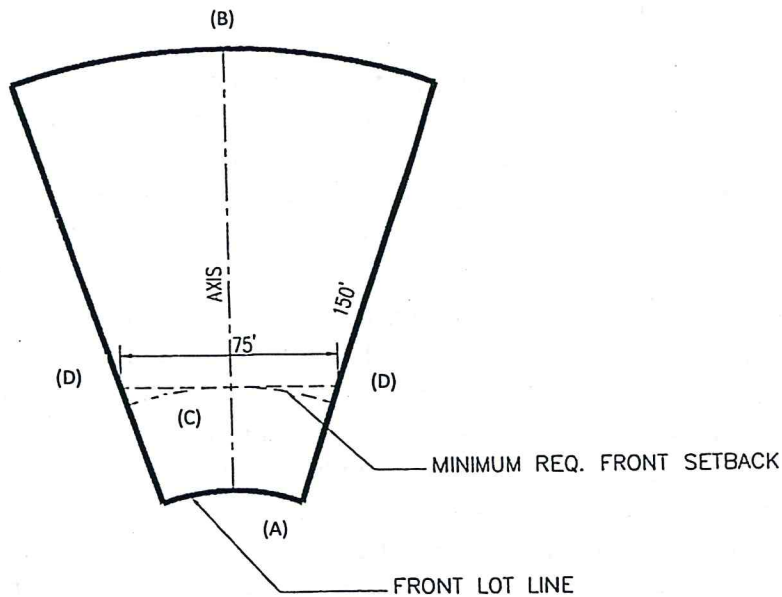
- (b.) The address of the use.
 - (c.) The kind of business and/or the principal commodity sold or service offered on the premise.
- (64) Junkyard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.
- (65) Kenel: The permanent or temporary keeping of more than three (3) dogs that are more than six months of age.
- (66) Landscaping: The treatment of the ground surface with live, organic, or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of landscaping, but such structural features alone shall not meet the spirit and intent of landscaping requirements.
- (67) 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.
- (68) Lot: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public or private street, and may consist of:
- (a.) A single lot of record;
 - (b.) A portion of a lot of record;
 - (c.) Any combination of complete and/or portions of lots of record; or
 - (d.) A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.
- (69) Lot Area: The area of land within the boundary of a lot excluding any part under water, and, in addition, it is the area of land bounded by any front lot lines, the right-of-way line of the street, road, or highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines.
- (70) Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.

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- (71) Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
- (72) Lot, Interior: A lot other than a corner lot.
- (73) Lot Line(s): Any of the lines bounding a lot as defined herein.
- (a.) Front Lot Line: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is each line separating said lot from each street. In the case of a corner lot, both sides abutting the street are considered front yards and consequently both have front lot lines.
 - (b.) Rear Lot Line: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10') feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has a discontinuous lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
 - (c.) Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interest side lot line.
- (74) Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the January 6, 1997, effective date of this Ordinance, and which lot actually existed as shown or described.
- (75) Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
- (76) Lot, Width:
- For a common rectangular lot, lot width is the straight line horizontal distance between the side lot lines measured at the two (2) points where the minimum required front setback line intersects with the side lot lines (measure side to side at the front setback).
- \\ If the side lot lines are not parallel, then;
- Step 1. Start with the axis line of the lot, measuring from the midpoint of the front lot line (A), to the midpoint of the rear lot line (B).
 - Step 2. Measure the required front setback distance along the axis line, to point (C).

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- Step 3. Draw a line at a right angle (90°) from the axis line at point (C).
- Step 4. Lot width is measured along the line in Step 3 where it intersects the side lot lines at points (D). (See illustration below)



- (77) **Manufactured Home**: A dwelling unit, which is designed for long-term residential occupancy and is wholly or largely fabricated at an off-site location.
- (78) **Manufactured Home Condominium Projects**: A parcel of land under joint ownership, which has been planned and improved for the placement of manufactured or mobile homes for non-transient use, upon individual, separate Condominium Unit envelopes.
- (79) **Manufactured Home Lot or Site**: A parcel of land for the placement of a single manufactured or mobile home and for exclusive use of its occupants within a licensed manufactured or mobile home community (previous term "park"), a condominium project or subdivision project or development, or simply a lot or parcel of land within the Township and used for this purpose.
- (80) **Manufactured Home Stand**: That part of an individual lot which has been reserved for the placement of the manufactured or mobile home, appurtenant structures or additions.
- (81) **Manufactured Home Subdivision**: A parcel of land under single ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use on individual lots and for the purpose of selling the lots.

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- (82) Manufactured Housing: A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling unit when connected to required utilities, and the plumbing, heating air conditioning and electrical systems contained within the structure.
- (83) Manufactured Housing Community: A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which are offered to the public for that purpose. A recreational vehicle park or campground is not a manufactured home community. The older term “mobile home park” is often used by individuals as an equivalent term.
- (84) Manufactured Housing Community License: A written license issued by the Manufactured Housing Commission allowing a person to operate and maintain a manufactured housing community under the provisions of Michigan Public Acts 96 of 1987, as amended.
- (85) Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
- (86) Master Plan: The statement of policy by the Humboldt Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating more desirable living conditions for the pertinent jurisdiction. Such plan is adopted or amended under and in accordance with the Michigan planning enabling act, Act No. 33 of Public Acts of 2008 [MCL 125.3801-125.3885].
- (87) Membership Organizations: Membership Organizations include community service clubs, lodges, church halls, catering or rental halls, fraternal organizations, and the like.
- (88) Mineral: An organic or inorganic substance in the earth have a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but is not limited to; iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds, and other precious and semi-precious stones, and uranium.
- (89) Mining: The extraction and on-site processing of minerals including the actual removal and/or transportation of minerals and attendant products and by-products.
- (90) Modular Housing Unit: A dwelling unit constructed solely within a factory or other off-site facility, 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

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foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction. (Also see Manufactured Home).

- (91) **Motor Home**: A self-propelled, vehicle licensed to be operated on public roads, which vehicle is built upon a chassis (or equivalent), and is intended for recreation activities and only temporary occupancy.
- (92) **Noise**: Sound vibrations which either annoys, injures, or endangers the comfort, repose, health, or safety of a person(s), unless the making and continuing of the noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person(s).
- (93) **Nonconforming Lot**: Means a lot (or parcel) which exists as a legal lot of record and which existed as a legal lot of record at the effective date of this Ordinance (or an amendment which bears on a lot of record) from which this chapter is derived, which lot does not conform to the lot requirements of the district in which it is located.
- (94) **Nonconforming Structure**: Means a lawful structure or portion thereof which existed at the effective date of this Ordinance (or an amendment which bears on a lawful structure) from which this chapter is derived, which structure could not be built under the terms of this Ordinance by means of restrictions on area, lot coverage, height, yards or other dimensional requirements of the district in which it is located.
- (95) **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.
- (96) **Nursing Home**: An institution other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
- (97) **Off-Premise Sign**: A sign which advertises goods, services, events, and facilities available at a location other than the premises on which the sign has been placed.
- (98) **On-Premise Sign**: A sign which advertises only goods, services, attractions, events, and facilities available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premise signs.
- (99) **Open Air Business Uses**: Open air business uses shall be interpreted to include the following uses:

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- (a.) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, and home improvement equipment such as lawn mowers, fertilizer spreaders, lawn rollers, etc.
 - (b.) Retail sale of fruits and vegetables.
 - (c.) Rental or sale of bicycles, recreational vehicles, manufactured homes, trailers, motor vehicles, boats, or small hand equipment.
 - (d.) Outdoor display and sale of garages, swimming pools, sheds, and similar structures.
- (100) Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.
- (101) Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
- (102) Parking Lot: A use containing one or more parking spaces located at or above or below grade accessible for the storage or parking of permitted vehicles, including drives and entrance(s) and exit(s) giving ingress and egress thereto.
- (103) Parking Space: An accessible area including drives, aisles, entrance(s) and exit(s) giving ingress and egress thereto, utilized for the parking or temporary storage of vehicles as may be permitted.
- (104) Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.
- (105) Pet: A non-livestock animal (dog, cat, tropical fish, hamster, etc.) kept for personal purposes. Livestock are subject to hobby farm requirements or Michigan Dept. of Agriculture & Rural Development agricultural regulations.
- (106) Planning Commission: The Planning Commission of the Township of Humboldt.
- (107) Premises: A lot as otherwise used in this Ordinance.
- (108) Principal Structure: The main structure or building to which the premises are devoted.
- (109) Principal Use: The main use to which the premises is devoted.
- (110) Private Drive: See Section 414.

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- (111) Private Road: See Section 414.
- (112) Private Use Landing Field: Any location, either on land or water, which shall be used for landing or take-off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.
- (113) Protective Measures Fence: A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location. (Amendment 9/11/2017)
- (114) Public Utility: Any person, firm, 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, refuse removal, transportation, water, or communications (including radio, telephone, television, or cable or fiber optics communications).
- (115) Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to, the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.
- (116) Recreational and Residential Storage Facility: A structure or group of structures for the dead storage of residential goods and wares, recreational vehicles and related equipment.
- (117) Recreational Structure: A camp, hunting camp, motor home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns. A cabin or cottage, which is inadequate to meet the definition of a single-family dwelling, because of a lack of water, waste water, cooking, and/or heating facility(ies), may fall under this definition.
- (118) Recreational Vehicle: A vehicle used for pleasure and designed for recreational use and not as a place of domicile, built upon a frame or chassis with wheels attached and not exceeding 40 feet in length.
- (119) Restaurant, Carry-out: A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state and whose design or method of operation includes both of the following characteristics:

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- (a.) Foods, frozen desserts, or beverages are usually served in edible containers (e.g. ice cream cones) or paper, plastic, or other disposable containers.
 - (b.) The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- (120) Restaurant, Drive-In: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:
- (a.) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means, which eliminate the need for the customer to exit the motor vehicle.
 - (b.) The consumption of foods, frozen desserts, or beverages within motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building is allowed, encouraged, or permitted.
- (121) Restaurant, Fast-Food: A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building, for the carry-out with consumption off the premises or for obtaining on a drive-through basis with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:
- (a.) Foods, frozen desserts, or beverages are usually served in edible containers (e.g. ice cream cones) or in paper, plastic, or other disposable containers.
 - (b.) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- (122) Restaurant, Standard: A standard restaurant in any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:
- (a.) Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - (b.) A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

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- (123) Road (or Street): See Section 414(A) Definitions.
- (124) Road Frontage: See Section 414(A) Definitions.
- (125) Roadside Stand: Means a temporary open front stand so designed that service to the patron does not require entering the building, and used solely for the sale of farm products and for sale of the by-products of agricultural produce.
- (126) Right-of-Way: A street, 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.
- (127) Sanitary Landfill: A specific type of solid waste disposal area as more specifically defined and regulated under the Michigan Natural Resources and Environmental Protection Act, Act 451 of 1994 as amended [MCL 115]. A Type II sanitary landfill is designed to receive and contain regular household solid waste, while a Type III sanitary landfill is designed to receive and contain more inert solid waste.
- (128) Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configuration and is in the shape of a shallow dish, parabola, cone or horn. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas which have a dimension greater than one (1) meter (3.3 feet) in residential districts or greater than two (2) meters (6.6 feet) in non-residential districts.
- (129) Sawmill: The machinery and appurtenant structures used for the manufacture of wood products, which includes, but is not limited to, circular saws, band saws, planers, debarkers, chippers, and kilns.
- (130) Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other living vegetation.
- (131) Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required under this Ordinance.
- (132) Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line.

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- (133) Setback, Rear: The minimum unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
- (134) Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
- (135) Sexually oriented use: Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter, actions depicting, describing or presenting “Specified Sexual Activities” or “Specified Anatomical Areas” (See Section 718).
- (136) Shopping Center: Is a group of businesses providing a variety of merchandise and/or services located on the same lot.
- (137) Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.
- (138) Sign, Freestanding: A sign having its own support mechanism placed in or upon the ground.
- (139) Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
- (140) State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, which provides resident services for six (6) or less persons under 24-hour supervision or care for persons in need of that supervision or care.
- (141) Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. 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.
- (142) Street: See “Road” in Section 414.

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- (143) Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, porches, decks, manufactured homes, sheds, free standing signs, storage bins, satellite dishes and fences, but not including sidewalks, driveways, patios, parking lots and utility poles. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this ordinance. (Amendment 9/11/2017)
- (144) Structural Alterations: Means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.
- (145) Tents and Membrane Storage Structure: A structure consisting of a frame or supporting pieces that is covered with plastic, fabric, canvas, aluminum or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles, other personal property, or for temporary occupancy as in camping. The term shall also apply to structures commonly known as hoop houses, canopy covered carports and tent garages, but shall not apply to boat lifts and canopies that are placed in public waters and shall not apply to temporary tents or canopies used for special events such as weddings or graduations, or for children's temporary recreational activities.
- This definition also includes a shelter of canvas or the like supported by poles and in many cases fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.
- (146) Thoroughfare (Major, Secondary, Collector): An arterial road or street which is intended to serve as a large volume traffic-way for both an immediate township (municipal) area and a region beyond, and is designated as a thoroughfare in the Humboldt Township Thoroughfare Plan within the adopted Master Plan for the Township of Humboldt, Michigan. A thoroughfare may also be separately known as a state highway, a highway, a county primary road, or similar terms.
- (147) Township Board: The elected governing body of the Township of Humboldt.
- (148) Transfer Station: A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that are used or intended for use in the re-handling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.
- (149) Use, Change of: A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of (a) a discernible increase in the intensity of use, which by Ordinance imposes

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more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the Michigan Building Code, which imposes other special provisions of law governing building construction equipment or means of ingress/egress.

- (150) Use, Increase in the Intensity of: A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.
- (151) Uses permitted upon conditional approval: This definition is based upon the division of the Township into districts, in each of which are permitted specified uses, which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses, which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate and/or condition them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.
- (152) Utility Structure: Means facilities related to and necessary for the operation of: oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations, and switching stations.
- (153) Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is proposed. (Also see Article X.)
- (154) Wind turbines (Windmills):
- (a.) Anemometer Tower. An anemometer tower means a freestanding tower (or other structural means of mounting) containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is a temporary accessory land use to either a proposed on-site use wind energy system (windmill) or a utility grid wind energy system (wind farm).
 - (b.) On-site use wind energy system. A wind energy conversion system (windmill) which converts wind energy into electricity (or other form of usable energy) through the use of a wind turbine generator and includes turbine, blades, and tower as well as related electrical equipment. The energy produced is intended to be primarily used on-site.

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- (c.) Utility grid wind energy system (wind farms). A wind energy conversion system (windmill(s)) which converts wind energy into electricity (or other form of usable energy) through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. One or more windmills may be involved and the energy produced is intended to be primarily used off-site. Off-site wiring to connect the wind energy conversion system to the grid is not included in this definition.
- (155) Wood Yard: A parcel of land where pulp wood and other logs are gather from various locations and stored for commercial sale.
- (156) Yards:
- (a.) Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of any building or structure.
- (b.) Yard, Rear: An open space extending the full width of the lot and nearest line of any building or structure.
- (c.) Yard, Side: An open space between the side line of the lot and the nearest line of any building or structure and extending from the front yard to the rear yard.
- (d.) Yard, Required: That portion of a front, side, or rear yard lying between the front, side or rear lot line and the corresponding front, side or rear minimum setback line.
- (157) Zoning Administrator: The Township Board’s authorized representative charged with the responsibility of administering this Ordinance.
- (158) Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Humboldt. (See Article X for a more complete description of the body, roles and responsibilities.)
- (159) Zoning Compliance Permit: A document signed by the Zoning Administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the township zoning ordinance or authorized variance therefrom.