

**ARTICLE II
DEFINITIONS**

Section 2.01 RULES APPLYING TO TEXT.

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word "building" includes the word "structure," and "dwelling" includes "residence"; the word "person" includes "corporation", "copartnership," and "association" as well as an "individual"; the word "shall" is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. No. 1 eff. Jan. 8, 1983)

Section 2.02 DEFINITIONS.

For the purposes of this Ordinance, the following terms and words are defined as follows:

- 1 **Accessory Building.** See "Building, Accessory."
- 2 **Accessory Use.** See "Use, Accessory."
- 3 **Agriculture.** An activity which substantially uses open and undeveloped land devoted to the production of plants and animals useful to man, including forage and sod crops; grains and feed crops; dairy products; fruits and vegetables; Christmas tree plantations and tree, shrub, vine and ground cover nurseries; and the breeding and grazing of beef and dairy cattle and other domestic animals normally found in the Township; and other similar agricultural uses and activities normally found in the Township. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption of persons residing on the premises.
- 4 **Alley.** Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.
- 5 **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 consummated act of which may be referred to herein as "altered" or "reconstructed."
- 6 **Appeal.** See "Zoning Appeal."

- 7 Apartments.** The term “Apartments” shall mean the dwelling units in a multiple dwelling as defined herein:
- (a) **Efficiency Unit:** is a dwelling unit and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a one (1) room unit.
 - (b) **One Bedroom Unit:** is a dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
 - (c) **Two Bedroom Unit:** is a dwelling unit consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.
 - (d) **Three or More Bedroom Unit:** is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, 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).
- 8 Area, Net.** The total area within the property lines of a project excluding external Road Right of Ways or easements.
- 9 Automobile Car Wash.** A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.
- 10 Automobile Repair.** A place where, along with the sale of engine fuels, 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 motor vehicles.
- 11 Automobile Sales.** Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.
- 12 Automobile Service.** 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 motor vehicles) are retailed directly to public on premises; including sale of minor accessories and service for automobiles.
- 13 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 as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade which

provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade and two exits which are fire escape routes.

- 14 **Bedroom.** A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.
- 15 **Billboard.** See ‘Sign, Outdoor Advertising’.
- 16 **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.
- 17 **Board of Appeals.** See “Zoning Board of Appeals”.
- 18 **Buffer Area.** A strip or area of land as specified in this Ordinance or, if not specified, of not less than fifteen (15) feet in width which is planted and maintained with trees or shrubs, including earth berms, fencing, walls or other means of screening or separating the land uses located on opposite sides of the buffer, approved by the Planning Commission in accordance with the Site Plan Review Procedures of this Ordinance.
- 19 **Building.** An independent structure, either temporary or permanent, having a roof supported by columns or walls and includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.
- 20 **Building, Accessory.** A supplementary building or structure on the same lot or parcel of land as the main building or buildings or part of the main building occupied by or devoted exclusively to any accessory use; but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings except for these dwellings or residential buildings specifically permitted in this ordinance.
- 21 **Building Area.** The space remaining after the minimum yards, setbacks and open space requirements of this Ordinance have been complied with.
- 22 **Building Coverage.** See “Lot Coverage”.
- 23 **Building, Farm.** Any building or structure other than a dwelling, 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 implements, produce or farm animals.

- 24 Building Height.** The vertical distance from the established grade to the highest point of the roof surface for flat roofs; to the deck 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.
- 25 Building Line.** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the front setback line.
- 26 Building Permit.** A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, alteration, or use of a building, fence or sign in conformity with the provisions of the Livingston County Construction Ordinance (Code).
- 27 Building, Principal.** A building in which is conducted the principal use of the premises on which it is situated.
- 28 Building Setback Line.** The line formed by the outer surface of a structure or enclosure wall at or with the finish grade or surface of the ground; pertaining to and defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.
- 28a Building Site.** That portion of a parcel of land independently identified and delineated upon which a structure will be constructed and be appurtenant thereto. (See also “Condominium Unit”).
- 29 Building, Temporary.** See “Use, Temporary”.
- 29a Certificate of Compliance and Occupancy.** A Certificate issued by the Zoning Administrator or lawful use of land, buildings and/or structures that have met the provisions and requirements of this Zoning Ordinance.
- 30 Church.** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
- 31 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 herein overnight.

- 32 Club or Lodge, Private.** A non-profit association of persons who are bonafide members paying annual dues, which owns, hires or leases a building or portion therein, the use of such premises being restricted to members and their guests. The affairs and management of such a private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at a meeting. It shall be permissible to serve food and drink on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages is in compliance with the applicable Federal, State, and Township laws.
- 33 Commercial.** A business operated primarily for profit, including those of wholesale and retail trade and professional, personal, technical and mechanical services.
- 34 Common Areas, Uses and Services.** Land areas, improvements, facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.
- 34a Condominium Unit.** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed. A condominium unit is not a lot or parcel as those terms are used in this ordinance.
- 35 Construction.** The act or process of constructing a building or other structure or changing the natural existing configuration of the landscape, including any alteration of the ground surface or subsurface and vegetation.
- 36 Convalescent or Nursing Home.** A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.
- 36a Day Care Homes.** See definitions for “Family Day-Care Homes” and “Group Day-Care Homes”.
- 37 Density.** The number of dwelling units located upon, or to be developed upon a gross acre of land.
- 38 District.** See ‘Zoning District’.
- 39 Drive-in Restaurant.** A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building.

- 40 Driveways.**
- (a) **Driveway-Residential.** A way of at least 12 feet in width which shall serve the residents of one single-family dwelling, or one two-family dwelling.
 - (b) **Driveway-Commercial.** A way of at least 30 feet in width providing access to a public road right-of-way to land which is used for industrial, institutional or commercial purposes.
(Ord. eff. Aug. 6, 1992)
- 41 Dwelling.** A building designed or used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings.
- 42 Dwelling, Conventional.** A dwelling which is constructed in accordance with the requirements of the Livingston County Construction Ordinance and has the following characteristics:
- (1) The building has a minimum width across all sections of 20 feet and complies in all respects with the Livingston County Construction Code, including being attached to a permanent foundation.
 - (2) The building meets all of the requirements of this Ordinance, including those for (1) minimum floor area and (2) connections to public sewer and water supply facilities or to such private facilities approved by the Livingston County District Health Department.
 - (3) The building contains enclosed storage space, exclusive of that for automobiles, equal to at least 15% of the net floor area of the dwelling, located in either the basement, attic, closets or attached structure of similar construction to the principal dwelling structure.
 - (4) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity and (1) has a roof overhang of at least 6 inches on all sides, (2) a roof drainage gutter system which collects rainwater at the edges of the structure, (3) has not less than 2 exterior entrance and exit doors with one located as a front door and the other located as side or rear door and (4) the building has no additions which are not similar in design and construction character with the principal building and built in accordance with the Livingston County Construction Code.
- 43 Dwelling, Farm.** A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

- 44 Dwelling, Group.** (Group Housing) Two (2) or more multiple family dwellings on a parcel of land under single ownership.
- 45 Dwelling, Mobile Home.** A mobile home is a dwelling manufactured for the purpose of being transported on a wheeled undercarriage from the place of manufacture to an initial and any subsequent temporary or permanent location on a lot, parcel or mobile home park site, and shall not be classified as a conventional dwelling unless it meets the same requirements that a conventional dwelling is required to meet under the Livingston County Construction Ordinance and those additional characteristics listed in the definition of a Dwelling, Conventional in this Zoning Ordinance.
- 46 Dwelling, Mobile Home Park.** A mobile home that meets all of the requirements of the United States Department of Housing and Urban Development under that agency's current regulations entitled "Mobile Home Construction and Safety Standards" or those standards established by the American National Standards Institute under that Institute's current mobile home construction and safety standards as evidenced by that Institute's label if found affixed to the mobile home.
- 47 Dwelling, Multiple Family.** A conventional dwelling/building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other.
- 48 Dwelling, One Family.** A conventional dwelling/building designed exclusively for occupancy by one (1) family.
- 49 Dwelling, Two Family or Duplex.** A conventional dwelling/building designed exclusively for occupancy by two (2) families independent of each other, such as a duplex dwelling unit.
- 50 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 one (1) family, either permanently or transiently, but in no case, shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling in single, multiple, or two family residential areas. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, 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 dwelling.
- 50A Emergency Services Facility.** A public, semi-public or private facility from or within which a public service is provided by a legally established and operational organization or institution which provides immediate action for those persons in need of immediate help or assistance in order to overcome a mental or physical problem which, if not provided, would otherwise be harmful to such persons seeking immediate short term attention.

- 51 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 systems, collection, communication, 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 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.
- 52 Excavation.** Any breaking of ground, except farm use, common household gardening and ground care.
- 53 Exception.** See “Zoning Interpretation”.
- 54 Family.** One (1) or two (2) persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this Ordinance.
- 54a Family Day-Care Home.** A private home in which one but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family Day-Care Home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- 55 Farm.**
- (1) A land area of 40 or more acres in one ownership which is devoted primarily to an agricultural use;
 - (2) Farm of 5 acres or more in one ownership, but less than 40 acres devoted primarily to an agricultural use which produces a gross annual income from an agricultural use of \$200 per year or more per acre of cleared and tillable land;
 - (3) A farm designated by the State Department of Agriculture as an specialty farm in one ownership which produces a gross annual income from an agricultural use of \$2,000 or more;
 - (4) Parcels of land in one ownership which are not contiguous, but which constitute an integral part of a farming operation in one ownership being conducted on land which meets the requirements of (1), (2), or (3) above.
- 56 Farm Building.** See “Building, Farm”.

- 57 Farming.** See “Agriculture”.
- 57a Farm Operation.** A land use, condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of commercial fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- 57b Farm Product.** Those plants and animals useful to man and includes, but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and similar products; or any other product which incorporates the use of food, feed, fiber or fur.
- 58 Farmstead.** See “Dwelling, Farm”.
- 58 A Fence.** A structural barrier of posts and boards, wire, pickets, rail and any other material which provides a means of preventing escape or intrusion, to mark a boundary or used to enclose all or a portion of a field or yard or a lot or parcel of land.
- 58 B Fence, Decorative.** A fence which in addition to its utility as a barrier has something added to it that adorns, embellishes, enriches and beautifies the appearance of its character, excluding chain link, woven wire and stockade.
- 59 Filling Station.** See “Automobile Service”.
- 60 Flood Plain.** That portion of land adjacent to a water body or water course which is subject to periodic inundation, as defined by the U.S. Army Corps of Engineers for the National Flood Insurance Program based upon the 100-year flood cycle.
- 61 Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area when more than one-half (2) of the basement height is above the established curb level or finished lot grade. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breeze-ways, porches (enclosed or unenclosed) or attached garages are not included.
- 62 Floor Area, Usable (UFA).** The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the

usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.

- 63 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 (2) lot area (or a two-story building covering one-fourth (1/4) of the lot).
- 64 Foster Care Homes.** A child or adult care facility which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the center. A Foster Care Home could include a maternity home for the care of unmarried mothers less than 18 years of age and an agency group home, which is described as a child or adult caring home owned, leased, or rented by a state licensed facility providing care for more than four (4) but less than thirteen (13) children or adults; or homes for mentally retarded or emotionally disturbed children less than eighteen (18) years of age. Foster Care homes do not include a hospital licensed under Act No. 17 of the Public Acts of 1968, as amended, a boarding school licensed under Section 59 and Act No. 269 of the Public Act No. 139 of the Public Acts of 1956, as amended, or a hospital for mentally ill licensed under Act No. 151 of the Public Acts of 1923, as amended, or nursing and convalescent care centers.
- 65 Frontage, Street.** See "Road Frontage".
- 66 Garage, Commercial.** Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobiles or other motor vehicles.
- 67 Garage, Private.** An accessory building not over one (1) story in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
- 68 Garage, Public.** See "Garage, Commercial".
- 69 Gasoline Service Station.** See "Automobile Service".
- 70 Grade.** The term 'Grade' shall mean 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.

- 71 **Greenbelt.** See “Buffer Area”.
- 71a **Group Day-Care Home.** A private home 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 weeks during a calendar year.
- 71b **Group Day-Care Facility.** A nonresidential building or structure where care, protection and supervision are provided, on a regular schedule, at least twice a week to either children or adults, for periods not to exceed sixteen (16) hours per day.
- 72 **Group Housing.** See “Dwellings, Group”.
- 73 **Group Residential Homes.** See “Foster Care Homes”.
- 74 **Highway.** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (Also see “Road”)
- 75 **Deleted by Ord. #221, eff. May 1, 2009**
- 76 **Deleted by Ord. #221, eff. May 1, 2009**
- 77 **Historical Building, Site or Area.** 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.
- 78 **Home, Motor.** 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 mobile homes.
- 79 **Home, Nursing.** See “Convalescent Home”.

- 80 Home Occupation.** Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Providing further, that no article or service is sold or offered for sale on the premises, except as such as is produced by such occupation; that such occupation shall not require internal or external alterations of construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.
- 81 Hospital.** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.
- 82 Hotel.** A building occupied or used as a more 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 provisions are made for cooking in any individual room. (Also See "Motel")
- 83 Industrial.** A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise or area.
- 84 Industrial Park.** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
- 85 Institution.** An organization having an enduring social, educational or a religious purpose, established by law, custom, practice or a system to serve the public in the form of governmental, religious, educational and charitable facilities or facilities for the sick, abused, unwanted or aged.
- 85 A Irrigation.** Is the artificial application of water on a lot or portion of a lot or parcel of land
- 86 Junk.** All rubbish, refuse, waste material, garbage, including but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and non-putrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof.

- 87 Junk Yard.** Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not-for-profit basis. The term Ajunk yard[@] includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles of machinery or parts thereof, but does not include uses established entirely within an enclosed building.
- 88 Kennel.** Any lot or premises on which four (4) or more dogs are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other fur-bearing household or domestic pets of like number are bred or sold.
- 89 Laboratory.** A place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of a product or products, except prototypes, is not performed.
- 90 Land Use Permit.** See “Zoning Permit”.
- 91 Lighting, Source of.** For purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.
- 92 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.
- 93 Lodge.** See “Club or Lodge, Private”.
- 94 Lot.** A portion of land divided in conformance with all of the provisions of Public Act 288 of 1967 in accordance with Public Act 288 Land Division Act of 1967 as amended, Subdivision Control Act and the Subdivision Regulations of Howell Township.
- 95 Lot Area.** The total horizontal area within the lot lines of a lot or parcel excluding road right of ways and road easements.
- 96 Lot of Record.** A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purposes of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds’ Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a “lot of record”. (Includes “Parcel of Record”)
- 97 Lot, Corner.** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads are less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.

- 98 Lot Coverage.** The percentage of the lot or parcel covered by all buildings and structures located on a lot or parcel, elevated above the surface, on the surface or below the surface of the ground and which impairs the percolation of surface water into the subsurface groundwater areas and causes additional surface runoff.
- 99 Lot Depth.** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- 100 Lot, Double Frontage.** Any interior lots having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to roads shall be considered frontages, and front yards shall be provided as required.
- 101 Lot, Interior.** Any lot other than a corner lot.
- 102 Lot, Lakefront.** See “Lot, Waterfront”.
- 103 Lot Lines.** The exterior perimeter boundary; lines of a lot or parcel excluding road right of ways and easements..
- 104 Lot Line, Front.** In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, “front lot line” shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Compliance Permit.
- 105 Lot Line, Rear.** That 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 ten (10) feet long farthest from the front lot line and wholly within the lot.
- 106 Lot Line, Side.** 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 interior side lot line.
- 107 Lot, Waterfront.** A lot having a frontage directly upon a lake, river or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the opposite side shall be designated the road frontage of the lot.
- 108 Lot Width.** The horizontal distance between the side lot lines measured at the point where the building line intersects the side lot line and measured where the front lot line intersects the side lot lines.
- 108A Manufactured Home Park.** A residential development which meets the regulations of PA 96 of 1987, as amended, the Manufactured Housing code and the provisions of Article XXIX of this ordinance.

- 109 Master Plan.** (Or Comprehensive Development Plan) The plan prepared and adopted by the Township Planning Commission in accordance with Public Act 33 of 2008 relative to the agreed upon desirable physical land use pattern for future Township development. The plan consists of a series of maps, plans, charts and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township in the intent of the public health, safety and general welfare of its inhabitants.
- 109a Mini Warehouse.** A building or group of buildings in a controlled access and fenced area that contains varying sizes of individual, compartmentalized and controlled access storage stalls for storage of the customer=s property.
- 110 Manufactured Home.** A unit primarily designed for year-round dwelling purposes, built upon a chassis, which equals or exceeds eight (8) feet in width and exceeds thirty-two (32) feet in length, and is not motorized or self propelled. Also may be known as a trailer coach or house trailer. Does not include a unit which must be transported in two (2) or more separate sections and involving installation of heating or extensive siding elements after such transport.
- 111 Manufactured Home Park.** Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home.
- 112 Manufactured Home Sales.** Any space used for display, sale or rental of mobile homes, in new or used and operable condition
- 113 Mobile Home Park.** For the purpose of this Ordinance, a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use. See Manufactured Home Park definition.
- 114 Motel.** (Also see “Hotel”) A motel or motor court is a business comprising of a dwelling unit or a group of dwelling units so arranged as to furnish lodging accommodations for the public for compensation.
- 115 Motor Court.** See “Motel”.
- 115 a Natural Undeveloped State.** Means preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or similar use condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children’s play area, a passive recreation area where no intensely active recreation takes place, greenway, linear park, conservation easement, as defined in Section 2140 of P.A. 451 of 1994, the Natural Resources and Environmental Protection Act, flora and fauna preserve, natural study area and similar types of undeveloped areas essentially kept in their natural state. (See definition of Open Space Preservation).
- 116 Non-Conforming Building or Structure.** A non-conforming 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 the provisions of the Ordinance in the zoning district in which it is located.

- 117 Non-Conforming Use.** A non-conforming 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.
- 118 Nuisance.** Is 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: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of a congregation of people (particularly at night), passing traffic, invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.
- 119 Nursing Home.** See “Convalescent Home”.
- 120 Office.** An enclosed area which has as its primary use, rooms for professional or financial organizations, individuals, labor unions, civic, social, fraternal and/or other various related organizations or enterprises.
- 121 Off-Street Parking.** See “Parking, off-street”.
- 122 Off-Street Parking Space.** See “Parking, Off-street, space”.
- 123 Off-Street Parking Lot.** See “Parking, off-street, lot”.
- 124 Open Air Business Uses.** Open air business uses operated for profit substantially in the open air shall include such uses as the following:
- (a) bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
 - (b) outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar products.
 - (c) retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
 - (d) tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children’s amusement park or similar recreation uses (transient or permanent).
- 125 Open Space.** Any space suitable for growing vegetation, recreation, gardens or household service activities such as clothes drying, but not occupied by any buildings.
- 1) Open Space, Useable: A separate area of land from all other use areas which is set aside, planned and developed as a park and recreation area for use by residents living in an area or on a site which provides facilities and areas for active and passive recreation purposes for such residents.

- 2) Recreations, Active: Activities by residents living in an area or on a site conducted on facilities provided on areas set aside, planned and developed for such purposes, including, but not limited to, court and field game areas, swimming and bathing facilities, family gathering and picnic areas, shelters, bathroom facilities and other related activity facilities, areas and structures.
- 3) Recreation, Passive: Refer to Definition No. 115a "Natural Undeveloped State" for the type of area, development and typical activities associated with such areas.
- 125 a Open Space Preservation.** Land which has been set aside in accordance with Section 506b of P.A. 110 of 2006, The Michigan Zoning Enabling Act in its natural undeveloped state. (See definition of Natural Undeveloped State.)
- 126 Open Storage.** All outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.
- 127 Outdoor Advertising Signs.** See "Signs, Outdoor Advertising".
- 128 Parcel.** A continuous area, tract or acreage of land that has not been divided or subdivided according to the provisions of Public Act 288 as amended of 1967, the Subdivision Control/Land Division Act and the Subdivision Regulations of Howell Township.
- 129 Parking, Off-Street.** Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.
- 130 Parking, Off-Street, Space.** An area of definite length and 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 on lots or parcels, but not within a public highway or public or private road right-of-way.
- 131 Parking, Off-Street, Lot.** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
- 132 Parking Space.** A land area exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

- 133 Pet.** Shall mean only such animals as may commonly be housed within domestic living quarters.
- 134 Planned Unit Development.** (Residential, commercial or industrial). This is a tract of land which includes two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding area, and where the specific requirements of a given district may be modified and where the minimum area is fixed. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements.
- 135 Plat.** A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967, The Subdivision Control/Land Division Act and The Subdivision Regulations of Howell Township.
- 136 Porch, Enclosed.** (Includes patio). A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
- 137 Porch, Open.** (Includes patio). A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
- 138 Private Road.** See "Road, private".
- 139 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; electricity, gas, steam, communications, telegraph, transportation, water, storm water collection or wastewater collection and treatment.
- 139a Recreation Vehicle (RV).** A motorized vehicle primarily designed and used as temporary living quarters for recreational camping or a non-motorized vehicle mounted on or drawn by another vehicle to be used for recreation, vacation or traveling purposes.
- 140 Residential.** A development of land with dwelling units for the purpose of housing families and including all accessory or related uses necessary to normal everyday family living.
- 140a Residential Facility, State Licensed or Registered.** See "Foster Care Homes".
- 141 Restaurant.** Is a lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as grills, cafes, and nightclubs.
- 142 Restaurant, Drive-in.** See "Drive-in Restaurant".
- 143 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.

- 144 **Road.** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Livingston County Road Commission.
- 145 **Road, Community Arterial.** Deleted by Ord. #221, eff. May 1, 2009
- 146 **Road, Connecting.** Deleted by Ord. #221, eff. May 1, 2009.
- 147 **Road Frontage.** The legal line of demarcation between a dedicated road right-of-way or easement and abutting land.
- 148 **Road, Frontage Access.** A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designed intersections or interchanges.
- 149 **Road, Hard Surface.** A highway or road built to the concrete or asphalt surface road building specifications of the Livingston County Road Commission or the Michigan Department of Transportation.
- 150 **Road Line.** The line which forms the outer limits of a road right-of-way or easement and which forms the line from which all road setbacks and front yards are measured.
- 151 **Road, Major Area.** Those roads designated by the Livingston County Road Commission as Primary Roads and any roads and any roads designated as major by the Howell Township Board of Trustees.
- 152 **Roads, Major Regional.** Those roads designated as Federal Interstate or United States Highways and those designated as Michigan State Highways.
- 152a **Roads, Minor:** All other roads public or private
- 153 **Road, Private.** An access road or drive which provides ingress and egress to two (2) or more principal buildings located upon separate lots or parcels from a public highway or public road.
- 154 **Roadside Stand.** A temporary or permanent building operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his family; its use shall not make, in a commercial district, land which would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity.
- 155 **Sanitary Landfill Dump.** A private or public dumpsite that meets all of the requirements of Public Act 641 of 1978 and the rules promulgated under this Act by the Department of Natural Resources.
- 155a **Service Road or Drive.** See "Road, Frontage Access".

155b Setbacks.

- 1) **Front yard setback.** The minimum horizontal distance between a front property line of a lot, parcel or site and all buildings and structures located on a lot, parcel or site.
- 2) **Side yard setback.** The minimum horizontal distance between a side property line of a lot, parcel or site and all buildings and structures located on a lot, parcel or site.
- 3) **Rear yard setback.** The minimum horizontal distance between a rear property line of a lot, parcel or site and all buildings and structures located on a lot, parcel or site.

156 Sign. The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are to show an individual firm, profession, business, product or message and are visible to the general public. See Article XIX for detailed definitions of particular sign design permitted.

157 Sign, Animated. Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

158 Sign, For Sale. A temporary sign advertising the availability for sale, rental, or lease of property upon which it is located.

159 Sign, Outdoor Advertising. (Also Billboard). Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.

160 Special Use. A use which is subject to approval by the Planning Commission. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a nonconforming use.

161 Story. That part of a building, except a mezzanine included between the surface to one (1) floor and the surface of the next floor, or if there is no 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.

162 Story, Half. An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven feet, six inches (7'6").

163 Story, Height. The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

164 Street. See "Road".

- 165 Street Line.** See “Road Line”.
- 166 Structure.** See “Building”, and in addition any manmade surface or subsurface feature or designed earth feature, other than normal finished grading for drainage purposes, including berms, drives, parking areas, garden houses, pole barns, sheds, tents, pergolas, decks, porches, play houses, game courts, signs, fences, walls, trailers, septic tanks, underground storage tanks, above ground dispensing devices, among others, but not including wires and their supporting poles, towers, or frames for electrical, telephone, gas or television utilities or other public utilities located above or below ground.
- 167 Structural Alterations.** Any change in an existing structure which would expand the size of the structure, significantly change the outside dimensions of the structure, or which would effectively convert the building into a different structure.
- 168 Swimming Pool (Outdoor).** Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.
- 169 Temporary Building.** See “Use, Temporary”.
- 170 Temporary.** See “Use, Temporary”.
- 171 Tent.** Tent, as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children’s recreational purposes.
- 172 Travel Trailer.** A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes
- 173 Travel Trailer Park.** A family recreation oriented facility for the overnight or short term (not to exceed fifteen (15) days consecutively) parking of travel trailers or tents. May also be known as a campground.
- 174 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.
- 175 Use, Accessory.** A use normally and naturally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings.
- 176 Use, Agricultural.** Any use permitted in the “AR” Agricultural Zone in this Ordinance. See definition of “Agriculture”.

- 177 Use, Building and Structural.** The use or uses made of a building or structure.
- 178 Use, Commercial.** Any use permitted in the various Commercial Zones (NSC, RSC, HC, HSC or OS) in this Ordinance. See definition of “Commercial”.
- 179 Use, Industrial.** Any use permitted in the A1@ Industrial Zone in this Ordinance. See definition of “Industrial”.
- 180 Use, Institutional.** Any of the public or private Institutional uses permitted in this Ordinance.
- 181 Use, Land.** The principal and accessory uses being made of all land areas and buildings and structures located upon a lot or parcel.
- 182 Use, Public.** Any of the publicly owned or leased uses of land, buildings or structures administered and operated by a public agency or official.
- 183 Use, Residential.** Any of the uses permitted in the various Residential Zones (AR, SFR or MFR) in this Ordinance. See definition of “Residential”.
- 184 Use, Temporary.** A use or building permitted to exist during period of construction of the main building or use, or for special events.
- 185 Variance.** See “Zoning Variance”.
- 185a Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support and under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh, and which includes the following:
- (a) Such an area contiguous to a lake, pond, river or stream.
 - (b) Such an area located in an inland area and more than five (5) acres in area.
 - (c) Such an area of less than five (5) acres if the DEQ determines that it is essential to the preservation of natural resources from pollution, impairment or destruction.
- 185b Wireless Communication Facilities.**
- (a) **Accessory Facilities.** The wireless communication equipment, buildings housing the
 - (b) **Colocation.** Locating wireless communication facilities from more than one (1) wireless communication applicant/provider on a single tower and site.
 - (c) **Wireless Communication Tower.** A tower which employs traditional structural designs, such as metal lattice or monopole designs.

- 186 Yard.** The open spaces on the same lot, parcel, or building site with the nearest of all buildings and other structures, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein.
- (a) **Front Yard.** An open space extending the full width of the lot, parcel, or building site the depth of which is the minimum horizontal distance between the front property line or front building site line and the nearest point of the nearest buildings and other structures located on the lot, parcel or site. Front yards shall include all areas of lots and parcels of land fronting on all roads and lakes, ponds and rivers.
- (b) **Rear Yard.** An open space extending the full width of the lot, parcel, or building site the depth of which is the minimum horizontal distance between the rear property line or rear building site line and the nearest buildings and other structures located on the lot, parcel or site.
- (c) **Side Yard.** An open space between all buildings and other structures and the side lot, parcel, or building site line extending from the front yard to the rear yard the width of which is the minimum horizontal distance between the side property line or side building site line and the nearest point of the nearest buildings and other structures located on the lot, parcel or site.
- 187 Zoning Appeal.** An entreaty or demand for a hearing and/or review of facts and/or actions.
- 188 Zoning Board of Appeals.** As used in this Ordinance, the term “Board of Appeals” means the Township of Howell, Livingston County, Michigan, Zoning Board of Appeals.
- 189 Zoning 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.
- 190 Zoning Exception.** See “Zoning Interpretation”.
- 191 Zoning Interpretation.** A principal or accessory use permitted within the intent and

purpose of this Ordinance only after review of an application by the Board of Appeals with the advice and counsel of the Planning Commission, such review being necessary because the provisions of this Ordinance in respect and the listed permitted principal and accessory uses are not precise enough to all applications without interpretation, and such review is therefore required by the Ordinance.

- 192 Zoning Permit.** A permit issued by Howell Township for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.
- 193 Zoning Variance.** The term **Variance** shall mean a modification of 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 granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances, and (c) exceptional and unusual elements are present that would preclude the same type of development permitted in a zoning district, but, which with a variance, would permit similar and compatible development to the character of development permitted in a zoning district.
- 194 Zoning Violation.** Any land use development or activity which does not conform to (1) the provisions of this Zoning Ordinance, (2) an approved special use of land, building(s) or structure(s), (3) an approved planned unit development, (4) an approved site plan, (5) a decision of the Zoning Board of Appeals, (6) a decision of the Planning Commission, (7) a decision of the Township Board, (8) a court order of a Michigan Court of jurisdiction, or (9) a court order of any United States Federal Court relative to the provisions of this Zoning Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 8 eff. Dec. 7, 1983; further amend. by Ord. No. 11 eff. Apr. 4, 1986; Ord. No.23 eff. Oct. 6, 1989; Ord. eff. May 7, 1992; Ord. eff. Aug. 6, 1992; Ord. No. 61 eff. Oct. 8, 1997; Ord. No. 62 eff. Oct. 8, 1997; Ord. No. 67 eff. Feb. 25, 1998; Ord. No. 71 eff. Aug. 12, 1998; Ord. No. 72 eff. Aug. 12, 1998; Ord. No. 81 eff. Apr. 5, 1999; Ord. No. 80 eff. Apr. 5, 1999; amend. by Ord. No. 97 eff. Feb. 23, 2000; amend. by Ord. No. 101 eff. Mar. 10,2000; Amend. By Ord. No 139 eff. May 26, 2002; Amend. By Ord. No. 159 eff. May 25, 2003; further Amend by Ord. No. 162 eff. June 15, 2003; Amend by Ord. No. 165 eff. July 27, 2003, further Amend by Ord. No. 168 eff. November 09, 2003, further Amend. by Ord. No. 183 eff. March 15, 2005; further amended by Ord. No. 201 eff. Dec. 11, 2006; further Amend. by Ord. # 221 and 222 eff. May 1, 2009)