

ARTICLE 2. DEFINITIONS

Abandonment. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting. Having a common border with, or being separated from such a common border by a right-of-way, or easement.

Accessory Structure. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use. (See also Home Occupation.) A use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or use; c) is subordinate in area, extent, or purpose to the principal building or use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or use served; and e) is located on the same lot as the principal building or use served.

Adult Bookstore. See definition in Section 13.10(V)(2).

Adult Cabaret. See definition in Section 13.10(V)(2).

Adult Motel. See definition in Section 13.10(V)(2).

Adult Novelty Shop. See definition in Section 13.10(V)(2).

Adult Theater. See definition in Section 13.10(V)(2).

Agriculture. (See also Farm.) The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Agriculture Service Establishment. Building, structures, lots, parcels or parts thereof which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. An Agriculture Service Establishment may include, but is not limited to: 1.) Farm machinery, sales, service, rental and repair 2.) Grain elevators for storage, drying and sales 3.) Bulk feed and fertilizer outlets and distribution centers 4.) Seed dealership outlets and distribution centers 5.) Grain and livestock truck and cartage facilities 6.) Auctions for livestock 7.) Agricultural products, production and processing operations.

Airport. Any area of land, including clear zones, designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alteration. Any change, addition, or modification in construction of an existing structure.

Alteration, Structural. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Automobile Wrecking Yard. (See also Junkyard.) The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

Bar or Cocktail Lounge. (See also Nightclub and Tavern.) Any commercial establishment wherein the principal business is the sale of alcoholic beverages for consumption on the premises and minors are excluded therefrom by law.

Basement. That portion of a building that is partly or completely below grade but located so that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling (See Figure 2.4)

Bed and Breakfast Homestay. A house, or portion thereof, with one to three guest rooms where breakfast is provided to guests. The operator of the Bed and Breakfast Homestay shall live on the premises.

Bedroom. A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

Billboard. A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

Buffer Area. (See also Screening.) A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Building. (See also Structure.) An independent structure, either temporary or permanent, having a roof supported by columns or walls. (Note: All buildings are considered structures; but all structures may not be buildings.)

Building Coverage. (See Lot Coverage.)

Building Envelope. The areas of the lot remaining after the minimum setbacks and open space requirements of the zoning ordinance have been met.

Building Height. (See Height.)

Building, Principal. (See Principal Building.)

Bureau. The Municipal Ordinance Violations Bureau, as established by Conway Township's Municipal Ordinance Violations Bureau Ordinance, effective July 15, 2004.

Campground. An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Carry-out Restaurant. (See Restaurant, and Restaurant, Fast-Food.)

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Child Care Center. A facility other than a private residence for receiving one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include a Sunday School, child care in a private residence, foster family home, foster family group home, family day care home, group day care home, or a facility operated by a religious organization where children are cared for while persons responsible for the children are attending religious services.

Child Day Care Home, Family. A private residence in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Child Day Care Home, Group. A private residence 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.

Church or Place of Religious Worship. A place where religious worship is conducted.

Clear Vision Zone. An area near any street intersection or commercial driveway in which fences, wall, shrubbery, signs or other obstructions shall not be permitted within the triangular area formed by the intersection of any street right-of-way lines and a diagonal connecting them at points twenty-five (25) feet from their intersection. (See Figure 6.1.)

Clear Zone. The approach surface directly above and adjacent to the approach in a runway. The clear zone extends over 1,000 feet of the runway at a slope of 20:3 feet.

Clinic. A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Club. Buildings or facilities owned or operated by a person for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

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

Condominium Unit. That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

In condominium projects where a condominium unit(s) will consist of a building envelope, the term “condominium unit” shall be equivalent to the term “lot” for purposes of determining compliance with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and the like.

Congregate Housing. (See also Housing for the Elderly.) A structure containing two or more dwelling units and rooming units limited in occupancy and occupied by persons 55 years and older, their spouses, or surviving spouses, except for room or units occupied by resident staff personnel, providing indoor, conveniently located, shared food preparation service and major dining areas, and may include provision of common recreation, social, and service facilities for the exclusive use of all residents.

Conservation Areas. Environmentally sensitive and valuable lands that may be locally or state designated and protected by this entity(s) from any activity that would significantly alter the ecological integrity, balance or character of the lands, except in cases of overriding public interest.

Conservation Easement. An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

Contractor’s Yard. A site on which equipment, tools, vehicles, building materials and other appurtenances used in or associated with building or construction are stored. A contractor’s yard may include outdoor or indoor storage, or a combination of both.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Cul-De-Sac. A local street, one end of which is closed and consists of a circular turn around.

Day Care Center. (See Child Care Center.)

Density. The number of dwelling units per acre. Maximum density means the maximum number of dwellings permitted without exceeding the minimum lot area or size per dwelling. By way of example only, if a parcel contains 10 acres and the minimum lot area in that district for residences is 2 acres, then the maximum density for the 10 acre parcel would be 5 dwellings.

Development. The division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

District. (See Zone.)

Drive-In Facility. An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

Drive-In Restaurant. (See Restaurant, Drive-In and Restaurant, Fast-Food.)

Driveway. A means of access for vehicles from a street across a lot or parcel to a parking or loading area, garage dwelling or other structure or area on the same lot.

Driveway, Shared Private. A driveway that provides access to two (2), but not more than four (4), single family lots, site condominium units or non-residential principal buildings.

Dwelling. A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multiple-family dwelling, but not including hotels and boarding and lodging houses. The word “dwelling” includes “residence.”

Dwelling, Multi-Family. A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses.

Dwelling, Seasonal. A dwelling not used for permanent residence and not occupied for more than six months in each year.

Dwelling, Single-Family, Attached (group, row, townhouses, condominiums). A building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

Dwelling, Single-Family, Detached. A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

Dwelling, Two-Family. A residential building designed for or occupied exclusively by two (2) families living independently of each other. Also known as a duplex dwelling.

Dwelling Unit. One or more rooms arranged as an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Easement, Access. An easement across private land granted to provide access to other land and that does not meet the definition of a private road or shared private driveway.

Elderly Housing. (See Housing for the Elderly.)

Emergency Shelter. A facility providing temporary housing for one or more individuals who are otherwise homeless.

Essential Public Services. (See Public Utility.) The erection, construction, alteration, or maintenance by public utilities for municipal departments, or commissions or boards of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, tower, poles, and other similar equipment or accessories reasonable in connection therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments, commissions or boards for the public health or general welfare, but not including buildings other than buildings which are primarily enclosures or shelters of the above essential service equipment. An essential service shall not include cellular telephone, radio and television towers and facilities.

Essential Public Service Structures. Structures necessary for the operation of essential public services. Essential Public Service Structures include but are not limited to: telephone exchange and repeater buildings and towers, electrical station and sub-station buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential public services.

Facade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family. A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common

housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Farm or Farmland. (See also Agriculture.) A parcel of land used for growing or raising agricultural products, including related structures thereon.

Fast Food Restaurant. (See Restaurant, Drive-In.)

Feedlot. Any tract of land or structure, pen, or corral; wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Fence. Any artificial or natural barrier of any material or combination of materials erected to enclose or screen areas of land.

Flea Market. An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Floodplain. Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floodway Fringe. All that land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building or structure from the interior face of exterior walls, or from the center line of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Floor Area Ratio. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Floor Area Requirement. For purposes of computing the minimum allowable floor area requirement, the sum of the horizontal areas of each story of a building shall be measured from the interior faces of the exterior walls. This floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators or stair bulkheads, common hall areas, and accessory structures.

Foster Care Family Home, Adult. A state licensed private home with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

Foster Care Group Home. A state licensed private home in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Foster Care Group Home, Adult. A state licensed facility with the approved capacity to receive not more than twenty (20) adults who shall be provided foster care.

Foster Care Home, Family. A state licensed private home with the approved capacity for one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Frontage. The length of any one (1) property line of a premise, which property line abuts a legally accessible street or right-of-way.

Front Yard. (See Yard, Front.)

Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage, Private. A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

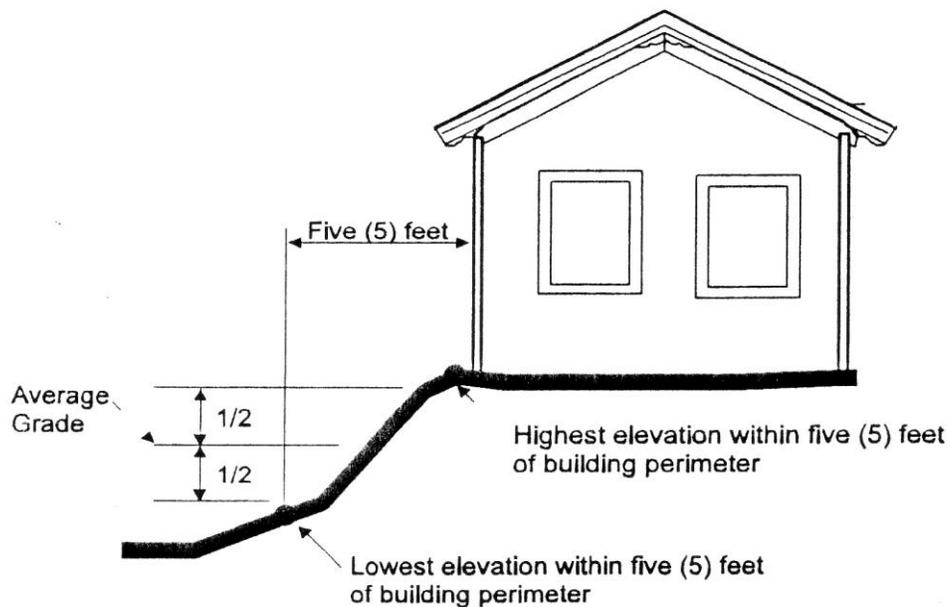
Garage, Repair. (See also Service Station.) A building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

Gas Station. (See Service Station.)

Glare. A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Grade. A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the wall of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by the arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the building or structure perimeter (See Figure 2.1).

FIGURE 2.1 MEASUREMENT OF GRADE



Gross Leaseable Area. The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Ground Coverage. (See Lot Coverage.)

Group Home for the Handicapped. A dwelling shared by four or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. The term “group home for the handicapped” shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

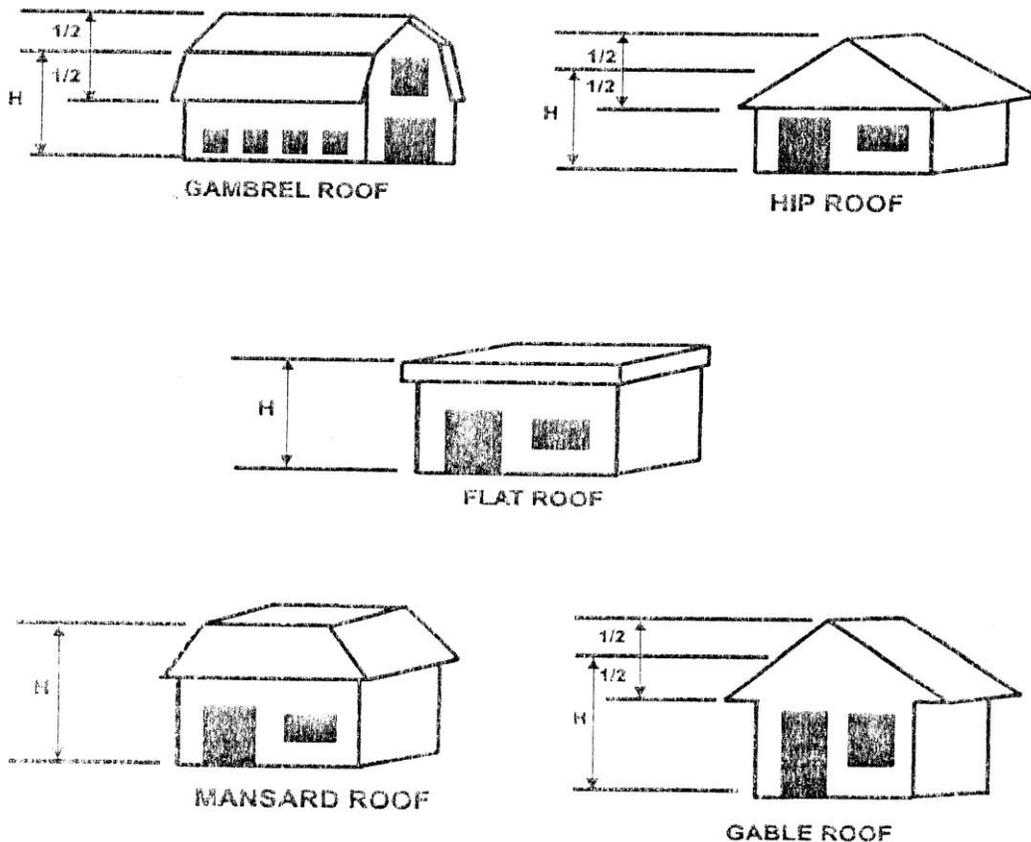
Hazardous Materials. Substances or materials in a quantity or form which, in the determination of the jurisdiction’s Fire Chief or their authorized representative, poses an unreasonable and imminent risk to the life, health or safety of persons, property or the ecological balance of the environment, and shall include, but not be limited to such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammable or corrosives.

Health Club. Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health or recreational), reducing salons, and weight control establishments.

Health/Recreation Facility. An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

Height. The vertical distance from the grade at the center of the front of the building 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 the ridge for gable, hip, and gambrel roofs. (See Figure 2.2)

FIGURE 2.2 HEIGHT



Heliport, Limited Use. Any land area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Heliport, Unlimited Use. Any landing area used by helicopters which, in addition to heliport, limited uses includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces.

Helistop, Limited Use. Any landing area used for taking off or landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. This facility is not open to use by any helicopter without prior permission.

Helistop, Unlimited Use. Any landing area used for the landing and taking off of helicopters for the purpose of picking up and discharging of passengers or cargo. There are no fueling, refueling, or service facilities.

Home Occupation. (See also Accessory Use.) An occupation, profession, activity, or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Home Occupation, Rural. (See also Accessory Use.) An accessory use to a customary farming operation or a nonfarm household located in a rural area designed for gainful employment involving the sale of goods and services that is conducted either from within the dwelling and/or from an accessory building located within five hundred (500) linear feet of the dwelling unit occupied by the family conducting the home occupation.

Homeowners Association. A formally constituted nonprofit association, corporation, or limited liability company made up of the property owners and residents of a fixed area which may take permanent responsibility for costs and upkeep of semiprivate community facilities.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel. (See also Motel.) A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities.

Housing for the Elderly/Senior Apartments. (See also Congregate Housing and Long Term Care Facility.) Multi-family dwelling units occupied by persons fifty-five (55) years or older. In the case of double occupancy of a unit, only one (1) resident is required to be at least fifty-five (55) years of age. The housing must be self-contained and physically accessible to elderly citizens.

Impervious Surface. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

Injection Well. An oil or gas well from which oil or gas is no longer extracted and into which brine and its naturally occurring accompanying materials are injected in accordance with Federal Underground Injection Control permitting procedures administered by the United States Environmental Protection Agency.

Junk. Used machinery, unlicensed and/or inoperative motor vehicles, scrap, iron, steel, other ferrous and nonferrous metals, tool, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been abandoned from its original use and may not be used again in its present form or in a new form.

Junkyard. (See also Automobile Wrecking Yard.) A parcel of land on which waste material or inoperative motor vehicles and other machinery are collected, stored, salvaged, or sold.

Kennel, Commercial. An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. Also any kennel where pets are not owned by the occupant of the principal dwelling unit or where the number of animals exceeds ten (10).

Kennel, Hobby. Any building or land designed or arranged for the care of no more than ten (10) dogs, cats or other household pets belonging to the owner or the occupant of the principal dwelling and kept for purposes of show, hunting or as pets.

Land Division. (See also Subdivision.) The division of land, lot, tract, or parcel into two or more lots, parcels, plats or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

Landfill. A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Laundry, Self-Service. A business that provides, home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

Long Term Care Facility. (See also Congregate Housing and Housing for the Elderly.) A facility for the transitional residency of elderly or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility.

Lot. (See also Lot of Record.) A platted parcel of land, land separately described by meets and bounds by deed or land contract, or a condominium unit for which a master deed has been recorded pursuant to the Condominium Act, 1978 PA 59, MCL 599.101 et seq, and which is intended to be separately owned, taxed, developed, or otherwise used.

Lot Area. The total horizontal area within the lot lines of a lot.

Lot, Corner. A lot abutting on and at the intersection of two or more streets.

Lot Coverage. Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth. The average horizontal distance between the front and rear lot lines (See Figure 2.3).

Lot, Interior. An interior lot is a lot other than a corner lot.

Lot Line. A line dividing one lot from another lot or from a street or alley.

Lot Line, Front. (See also Yard, Front.) On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting a street; on a through lot, the lot line abutting the street providing the primary access to the lot; on a lot with street access by a private shared driveway, the interior lot line most parallel to and nearest the street from which access is obtained (See Figure 2.3).

Lot Line, Rear. (See also Yard, Rear.) The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line (See Figure 2.3).

Lot Line, Side. (See also Yard, Side.) Any lot lines not a front or rear lot line (See Figure 2.3).

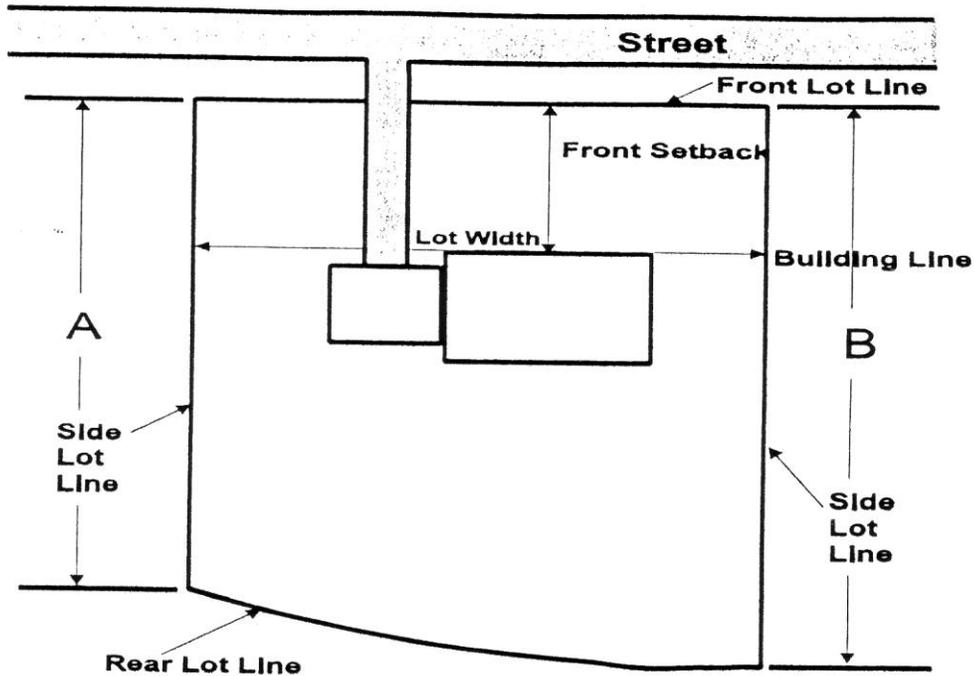
Lot of Record. (See also Lot.) A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

Lot, Substandard. A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this ordinance.

Lot, Through. A lot having its front and rear yards each abutting a street.

Lot Width. The horizontal distance between side lot lines, measured at the required front setback line (See Figure 2.3).

FIGURE 2.3 LOT AND BUILDING LINES



$$\text{LOT DEPTH} = \text{DISTANCE A} + \text{DISTANCE B} \div 2$$

Maintenance Guarantee. (See also Performance Guarantee.) Any security, other than cash, that may be accepted by a municipality for the maintenance of any improvements required by this ordinance.

Manufactured Home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure, or “mobile home” as defined by the Mobile Home Commission Act (MHCA), 1987 PA 96, MCL 125.2301, et seq, as amended.

Manufactured Home Park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street equipment, or facility used or intended for use incident to the occupancy of a manufactured home, or “mobile home park” as defined by the MHCA, MCL 125.2301 et seq.

Massage Parlor. See definition in Section 13.10(V)(2).

Mini-Warehouse. (See Self-Storage Facility.)

Mission. (See Emergency Shelter.)

Mobil Home. (See Manufactured Home.)

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

Motel. (See also Hotel.) A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one (1) unit, or a motor lodge shall be deemed a motel.

Nightclub. (See also Bar or Cocktail Lounge and Tavern.) A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and includes the term “cabaret.”

Nonconforming Building or Structure. Buildings and structures which were lawfully in existence at the time of enactment or amendment of this ordinance and which have been prohibited, regulated or restricted under the terms of this ordinance.

Nonconforming Lot. A lot which was lawfully in existence at the time of enactment or amendment of this ordinance and which has been prohibited, regulated or restricted under the terms of this ordinance.

Nonconforming Use. A use or activity which was lawful at the time of enactment or amendment of this ordinance and which has been prohibited, regulated or restricted under the terms of this ordinance.

Nursery, Plant. Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

Office. A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

Office Park. A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics and compatibility.

Open Space. An area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playground, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

Parcel. A continuous quantity of land in the possession of, owned by or recorded as the property of the same person or persons.

Park. Any public or private land available for recreational, educational, cultural or aesthetic use.

Parking Lot. An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

Parking Space. An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle.

Performance Guarantee. (See also Maintenance Guarantee.) A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations, and the approved plans and specifications of a development.

Person. The word “person” includes an individual, corporation, limited liability company, partnership, association, governmental entity, or other formal or informal entity.

Photocopy Service. (See Print Shop.) A business that reproduces drawings, plans, maps, or other copy by means of blueprinting or photocopying.

Place of Worship. (See Church.)

Planned Development. (See also Planned Unit Development.) Land under unified control to be platted and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district but which will not be provided, operated, or maintained at general public expense.

Planned Unit Development (PUD). (See also Planned Development). A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include street, circulation ways, utilities, buildings, open spaces and other site features and improvements.

Principal Building. A building in which the primary use of the lot on which the building is located is conducted.

Principal Use. The primary use of land or structures, as distinguished from a secondary or accessory use.

Print Shop. (See Photocopy Service.) A retail establishment that provides duplicating services using photocopy, blueprint and offset printing equipment, including collating of booklets and reports.

Private Club. (See Club.)

Provider. The entity which is properly licensed by the Federal Communication Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

Public Bath. See definition in Section 13.10(V)(2).

Public Utility. (See Essential Public Services.) Any person, firm, corporation, municipal department, board or commission duly authorized to furnish utilities under federal, state or municipal regulations, to the public; electricity, gas, steam communications, telegraph, transportation or water or sanitary sewer, and the like. A public utility shall not include cellular telephone, radio and television towers and facilities.

Rear Yard. (See Yard, Rear.)

Recreational Vehicle (RV) Park. Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Center. A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Recycling Collection Point. A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

Residents Association. (See Homeowners Association.)

Resort. A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

Restaurant. A retail business that prepares and serves food and beverages primarily to persons seated within the building for consumption on premises. This includes cafes, tea rooms and outdoor cafes.

Restaurant, Drive-In. A retail business that prepares and serves food or beverages which are sold to a substantial extent for consumption by customers in parked motor vehicles.

Restaurant, Fast-Food. A retail business that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service or prepared, fried or griddled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

Retirement Community. (See Congregate Housing, Housing for the Elderly, and Long-Term Care Facility.)

Right-of-Way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other special use.

Road, Public. Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Livingston County Road Commission.

Road, Private. An non-public street or road, not maintained by or dedicated to the public which serves two (2) or more separately held parcels or dwelling units and meets the requirements for private roads of this ordinance.

Satellite Dish Antenna. A round, parabolic antenna intended to receive signals from orbiting satellites and other sources.

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

Scenic Corridor. A strip of land on each side of a stream or roadway that is generally visible to the public traveling on such route.

Scenic Easement. An easement, the purpose of which is to limit development in order to preserve a view of scenic area.

Screening. (See also Buffer Area.) The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Seating Capacity. The actual seating capacity of an area based upon the number of seats or one (1) seat per eighteen (18) inches of bench or pew length. For other area where seats are not fixed, the seating capacity shall be determined as indicated by the Michigan Building Code.

Self-Storage Facility. A building or group of buildings, each of which contains one (1) or more individual storage units, each with a separate door and lock and which can be leased on an individual basis.

Service Station. (See also Garage, Repair.) Any premises where gasoline and other petroleum products are sold or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted. Service station includes self-service station.

Self-Service Station. An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Setback. The required minimum horizontal distance between the building line and the related front, side, or rear property line (See Figure 2.3).

Shelter. (See Emergency Shelter.)

Side Yard. (See Yard, Side.)

Site Condominium Project. A plan or project consisting of not less than two (2) single family units established in conformance with the Condominium Act, 1978 PA 59, MCL 559.101 et seq., as amended.

Site Plan. A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures uses, and principal site development features proposed for a specific parcel of land.

Slope. (See Grade.)

Special Use. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Specified Anatomical Areas. See definition in Section 13.10(V)(2).

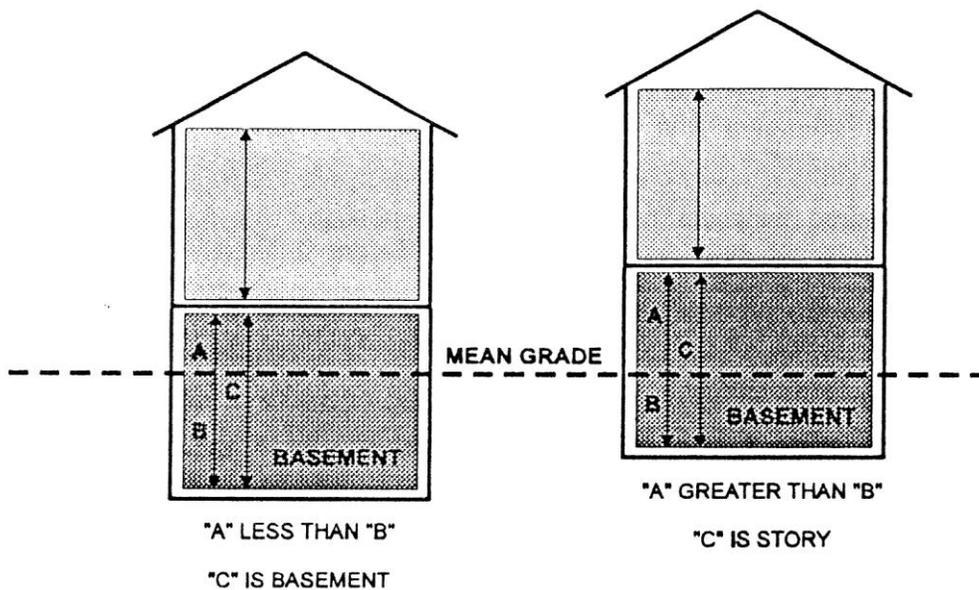
Specified Sexual Activities. See definition in Section 13.10(V)(2).

Stable, Private. An accessory building in which horses are kept for private use and not for boarding, hire, or sale.

Stable, Commercial. A structure or land use where horses are bred, reared, leased, sold, trained or boarded for remuneration.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above it. When the distance from the average established grade to the ceiling of a basement partially below grade exceeds the distance from the average established grade to the floor of the basement, the basement partially below grade shall be counted as a story. (See Figure 2.4)

FIGURE 2.4 STORY AND BASEMENT



Street. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

- a) Residential access streets have the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood.
- b) Residential subcollectors are access streets that provide frontage for residential lots and may carry a small amount of residential through traffic collected only from tributary residential access streets.
- c) Residential collectors are streets that conduct and distribute traffic between other residential streets of lower order in the streets hierarchy and higher order streets or major activity centers. This is the highest corner of street appropriate to a residential neighborhood and residential frontage along it should be prohibited or severely restricted.

Higher order streets exist that do not belong within a residential area and should be excluded. These include:

- a) Arterials, which are interregional roads conveying traffic between towns, boroughs, and other urban centers. Efficient movement is the primary function of arterial roads; hence, private access and frontage should be controlled and limited to high volume generators of vehicle trips.
- b) Expressways which are limited access interregional arterial routes (superhighways).

Higher order streets are designed exclusively for unrestricted movement, have no private access, and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.

Structure. (See also Building.) In addition to any building, any manmade surface feature or designed earth feature other than normal finished grading for drainage purposes.

Taxi Dance Hall. See definition in Section 13.10(V)(2).

Tavern. (See also Bar or Cocktail Lounge and Nightclub.) Any commercial establishment wherein the principal business is the sale of beer and wine for consumption on the premises and minors are excluded therefrom by law.

Temporary Sale. (See Flea Market.)

Through Lot. (See Lot, Through.)

Warehouse. A building used primarily for the storage of goods and materials.

Wetlands. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does

support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Yard. A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this ordinance.

Yard, Front. (See also Lot Line, Front.) A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

Yard, Rear. (See also Lot Line, Rear.) A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

Yard, Side. (See also Lot Line, Side.) A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

Zone. A mapped area within which certain uses of land, premises, and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings.