

**CHAPTER 8 - DEFINITIONS****SECTION 801. RULES APPLYING TO THE TEXT.**

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

1. The headings which title a chapter, section or subsection of this Ordinance are for the purpose of convenience only and are not to be considered in any construction or interpretation of this Ordinance, or as enlarging or restricting any of its terms and provisions in any respect.
2. The illustrations contained within this ordinance are intended to illustrate hypothetical applications of the provisions which refer to them, and shall not have the effect of enlarging or restricting the terms and provisions which refer to them. In the event of any conflict between the provisions of the written text of this Ordinance and the illustrations, the text shall govern.
3. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the singular number shall include the plural number and words in the plural number shall include the singular number.
4. The word "shall" is always mandatory and not merely discretionary. The word "may" is permissive.
5. A "building" or "structure" includes any part thereof.
6. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.
7. The words "used" and "occupied", as applied to any land, building or structure, shall be construed to include the phrases "intended to be", "arranged to be", or "designed to be" uses or occupied.
8. The words "erected" or "erection" as applied to by building or structure shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
9. The particular shall control the general.

10. Terms not herein defined shall have the meanings customarily accepted.

## **SECTION 802. DEFINITIONS**

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

Abutting (lot or parcel) is a lot or parcel which shares a common border with the subject lot or parcel.

Access management (access control) is a technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to property, reasonable is a property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operation.

Accessory building, structure, or use is a building, structure, or use which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related including, but not limited to a private garage.

Adjacent (lot or parcel) is a lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store means a commercial establishment that as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video

reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

Adult Cabaret means a nightclub, bar restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of audience or customers.

Adult Foster Care Home See "State Licensed Residential Facility".

Adult Motel means a hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture means a commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture is farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

Aisles is the traveled way by which cars and other motor vehicles enter and depart parking spaces.

Alteration is 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".

Animal, Wild is any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat(wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

Arenas (and Stadiums) are facilities which are used for holding both indoor and outdoor events which are attended by both participants and spectators. Typical activities include exhibitors, sporting events, performances, and fairs and carnivals. Facilities include those intended to accommodate large numbers of spectators, such as bleachers and grandstands. Civic arenas and fairgrounds fit this definition.

Automobile Service Station See "Motor Vehicle Service Facility".

Basement is that portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade

to the floor is greater than the vertical distance from the mean grade to the ceiling (See Figure 2).

Bed and Breakfast Establishment is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment. Bed and breakfast establishments are not home occupations under this Ordinance, but are rather treated as special uses.

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

Billboard is an outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

Board of Appeals refers to the Haring Charter Township Zoning Board of Appeals.

Buffer zone is a strip of land often required between certain zoning districts reserved for plant material, berm, walls, or fencing to serve as a visual barrier.

Building is any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses. This shall include tents or vehicles situated on private property and used for purposes of a building.

Building height is the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 3).

Building line is a horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building, Main (also referred to as Building, Principal) is a building in which the principal or main use of the lot on which it is situated occurs.

Building Setback Line is a line indicating the minimum distance required to be maintained between a street right-of-way and nearest supporting member of any structure on the lot.

Building Supply is a business which may sell any type of materials for use in the construction, maintenance, or repair of buildings. It is characterized by the outdoor storage of products which will not deteriorate as a result of exposure to the elements.

Certificate of zoning compliance is a document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Ordinance.

Child Care Facilities include the following:

1. Family day care home: A private home in which one to six unrelated children are received for care and supervision. There must be at least 400 square feet of outdoor space on the premises or within walking distance. Family day care homes must be registered by the State of Michigan.
2. Group day care home: A private home where from seven to twelve unrelated children are received for care and supervision. There must be at least 400 square feet of outdoor space on the premises or within walking distance. Group day care homes must be licensed by the State of Michigan.
3. Child care center: A facility other than a private home where one or more unrelated children are received for care and supervision. There must be at least 1200 square feet of outdoor play area either on the premises or easily accessible by walking or transportation. Child care centers must be licensed by the State of Michigan. Preschools and nurseries also fit this definition.

Church or Place of Worship means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary buildings, but shall not include an undertaker's chapel or funeral building. \*Churches may include a Child Care Center as an incidental use, provided that the Child Care Center meets the requirements of Chapter 5, Section 505, Table of Special Use Permit Standards. \*(Amended by Ordinance #12-79)

Clinic is an establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical

procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

Club is a nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Common land is a parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or a planned unit development.

Common open space is an unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

Comprehensive Master Plan is the Haring Charter Township Comprehensive Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof, as adopted by the Haring Charter Township Planning Commission.

Condominium Act refers to Michigan Act 59 of 1978, as amended.

Condominium, consolidating master deed, is the final amended Master Deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended Master Deed fully describes the condominium project as completed-see also condominium, master deed.

Condominium, contractible is a condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, conversion is a condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

Condominium, expandable is a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, general common element means the common elements other than the limited common elements, general common elements are for the use of the co-owners.

Condominium, limited common element means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium, master deed is the condominium document recording the condominium project as approved by the Planning Commission to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project - see also condominium, consolidating master deed.

Condominium project is equivalent to "Subdivision" as used in this Ordinance and Subdivision Regulations.

Condominium project, mobile home is a condominium project which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium setbacks shall be measured as follows:

Front Yard Setback: The distance between the street centerline and the unit site.

Side Yard Setback: The distance between the limits of the development and the side of a unit or the distance between the sides of any adjacent units.

Rear Yard Setback: The distance between the limit of the development and the rear of the unit or the distance between the rear of any two adjacent units.

Condominium subdivision plan is the site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

Condominium unit is that portion of the condominium project designed and intended for separate ownership 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.

Condominium unit site is the area designating the perimeter within which the condominium unit be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site"

shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Conservation Easement - Conservation easement means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being MCL 324.2140 (*Added by Ordinance #67*).

Construction is the building, erection, alteration, repair, renovation, demolition or removal of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

Convenience store with gasoline sales is an establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

Convertible area is a unit or a portion of the condominium referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with the Condominium Act.

Cul-de-sac is a dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

Day care home, family See "Child Care Facilities."

Day care home, group See "Child Care Facilities."

Deceleration lane is an added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Density is the number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments overall maximum unit density calculations shall include MDNR regulated wetland areas and non-MDNR regulated wetland areas, but shall not include floodplain or surface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

Detention facility is a facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

Development is any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other

structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Drainage ways and streams are existing permanent or intermittent water courses.

Drive through business is a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

Dwelling, multiple family is a building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

Dwelling, single family is a building designed for exclusive use and occupancy as a dwelling unit by one(1) family.

Dwelling, two family is a building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

Dwelling unit is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

Dwelling unit, attached is a dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling unit, detached is a dwelling unit which is not attached to any other dwelling unit by any means.

Easement is a grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

Endangered species habitat is an area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

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

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees

or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential public services is the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

Essential public service building is a building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

Essential public service building storage yard is an outdoor storage area principal or accessory to an essential public service.

Excavation is any breaking of ground, except common household gardening and ground care.

### Family

- a) An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or
- b) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transit, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal

nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

Farm A tract of land which is directly devoted to agricultural purposes for growing of cash crops, for greenhouses, for plant nurseries, orchards, aviaries, raising farm animals or farm fowl and having at least ten (10) acres in land area.

Fence is an accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use.

Filling is the depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

Financial Business is any institution which manages funds on deposit for its customers and/or lends funds to borrowers. This definition includes, but is not limited to, banks, savings and loan institutions, credit unions, stock and bond brokerages, and insurance agencies.

Financial services are establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

Flood or flooding is a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) the overflow of inland waters
- b) the unusual and rapid accumulation or runoff of surface waters from any source

Flood Hazard area is land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM) is an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study is the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary-Floodway Map.

Floodplain is any land area susceptible to being inundated by water from any source **(see definition of flood)**.

Floodway in the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

Floor area, usable shall be considered for the purposes of computing parking requirements as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Floor area, gross shall be considered for the purpose of computing the required number of parking spaces, the sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerline of interior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

Floor area, residential shall be considered for the purpose of computing the floor area of a residential dwelling unit, the sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

Foster care home, family is a single-family dwelling occupied as such in which one (1) but not more than four (4) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Foster care home, group is a single-family dwelling occupied as such in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Frontage is the total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

Frontage road is a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

Garage is the part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

Garden center is an establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

General Retail Business is an enterprise which offers products for sale directly to the users of those products for use or consumption elsewhere. Products are not generally made or processed on the premises, but are made and displayed there. Sales are generally transacted within an enclosed building, but the business may include a fenced outdoor display area which occupies up to ten percent (10%) of the floor area of the principal building.

Glare is the effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade, average (mean) is the arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure **(SEE Figure 4)**.

Grade, finished is the lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of a structure.

Grade, natural is the elevation of the ground surface in its natural state, before construction begins.

Greenbelt is a strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

Health Care Institution is a state licensed medical establishment whose facilities provide inpatient accommodation, a wide range of medical and surgical care, and other inpatient health services for sick, ailing or injured person; and including such related

facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

Home occupation is an occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Home Sale is a sale of personal property conducted at a residential dwelling on a temporary basis. Home sales include garage sales, yard sales, porch sales, basement sales, the like.

Hospital See "Health Care Institution."

Hotel or Motel is a building or group of buildings used as individual sleeping or temporary dwelling units, designed primarily for transient use and providing one or more parking spaces for each unit. A "hotel" or "motel" shall include tourist cabins and homes, but shall not include bed and breakfast establishment. A hotel or motel shall not be considered to be a multiple family dwelling. A group of mobile homes, travel trailers, or recreational vehicles shall not be considered a hotel or motel.

Indoor recreation establishment is a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

Institutional uses are churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

Junkyard or recycling yard is any land or building used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

Kennel is any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold.

Loading space is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or material.

Lot is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for: minimum area, setbacks, coverage, and open space. A lot may or may not be specifically designated as part of the public record.

Lot area is the total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

Lot area, net buildable is the net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. For Planned Unit Developments, net buildable lot area is the net lot area less area devoted to water bodies; water bodies being defined at areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. However, in determining the overall density for the residential component of a Planned Unit Development, MDNR regulated wetlands and non-MDNR regulated wetlands may be included - see definition for density.

Lot, corner is a lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees **(See Figure 5)**.

Lot coverage is a part or percent of a lot occupied by buildings or structures.

Lot depth is the arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 6).

Lot frontage is the length of the front lot line.

LOT, INTERIOR is a lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

Lot, line is the line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

Lot lines

- a) Front lot line: In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way **(See Figure 7)**.
- b) Rear lot line: That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to the most distant from the front lot line **(See Figure 6)**.
- c) Side lot line: Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separation a lot from another lot or lots is an interior side lot line **(See Figure 6)**.
- d) In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and

location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.

location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

Lot, non-conforming is a lot of record which does not meet the dimensional requirements of this Ordinance.

Lot of record is a lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, through (also called a double frontage lot) is an interior lot having frontage on two (2) more or less parallel streets.

Lot width is the horizontal distance between side lot lines measured parallel to the front lot line at the front setback line **(See Figure 7)**.

Manufactured home is a modular home, residential building, commercial unit, dwelling room or rooms, or a building component which is designed for a long term residential or commercial use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

Master deed. and consolidating master deed- see condominium, master deed.

Medical clinic is an establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

Mini-or self-storage warehouse is a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

Mobile home is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle or motor home.

Mobile home park is a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Mobile home site or space is a portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

Mobile home subdivision is a platted residential development consisting of mobile homes or single and two family dwellings located on individual, separately-owned lots.

Motel See "Hotel or Motel".

Motor Freight (Truck) Terminal is a facility which is mainly used for shipping and receiving goods which are carried by commercially-licensed freight vehicles for use or sale at some other destination.

Motor home is a self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Motor Vehicle Sales and/or Repair is any establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, pickup trucks, recreational vehicles, or travel trailers; or a business performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission, or suspension systems, glass or upholstery replacement, or the painting or undercoating of other motor vehicles.

Motor Vehicle Service Facility is Any establishment engaged in the direct retail sale of gasoline or other engine fuel, motor oil or lubricants, performing interior or exterior cleaning, sale of tires, parts, or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans, pickup trucks, or other motor vehicles.

Non-Conforming use is the use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform with the use regulations of the district in which it is located.

Non-Conforming lot of record(Substandard lot) is a lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Non-Conforming Structure is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

Nude Model Studio means any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity means knowingly or intentionally displaying in a public place, or for payment or promise of payment

by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nursery, plant material is a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Obscuring screen is a visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

Office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting, bookkeeping, tax preparation, insurance, securities brokerage, executive or management functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, and a base of operations for salespeople. Office activities do not include the storage or display of merchandise.

Offset is the distance between the centerline of driveways or streets across the street from one another.

Off-street parking lot is 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) vehicles.

Open air business is a retail sales establishment operated substantially in the open air.

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

Outdoor recreation establishment is a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

Parapet wall is an extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Parcel is a lot described by metes and bounds or described in a recorded plat.

Parking space is a designated stall for parking of motor vehicles.

Person means an individual, sole proprietorship, partnership, corporation, limited liability company, or association.

Planned unit development is a form of land development comprehensively planned as entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non-residential uses.

Planning Commission is the Haring Charter Township Planning Commission as duly created under Act 168 of the Public Acts of 1959, as amended.

Plat is a map of a subdivision of land.

Ponds and lakes are natural or artificial impoundments that retain water year round.

Principal building or structure is a building or structure in which is conducted the principal use of the lot upon which it is situated.

Principal use is the main use of which the premises are devoted and principal purpose for which the premises exist.

Principal use, permitted is a use permitted in each zoning district by right.

Private club is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Private road is any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public and semi-public institutional building's, structures and uses are building, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

Public park is any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public open space is any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of governmental agency.

Public place means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public street is a public thoroughfare which affords the principal means of access to abutting property.

Public utility is any person, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewer disposal, communication, telegraph, transportation or water.

Radioactive materials are materials defined as radioactive under Michigan Department of Natural Resources regulations for transportation of radioactive materials or under Wexford County Health Department regulations, whichever is determined to be applicable.

Recreational vehicle is a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats,

snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Recycling Drop-off Center is a facility which accept clean, source-separated recyclable materials, such as paper, plastic, glass, and metals. A drop-off center does not accept mixed solid waste, and no processing of solid waste occurs at the facility. Drop-off centers do not require an Act 641 license.

Retail store is any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Right-of-way is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

Roadside stand is a structure for the display and sale of agricultural products (such as fruits and vegetables) with no space for customers within the stand itself. Road side stands are intended for the sale of commodities produced on or near the premises. Roadside stands operate on a seasonal basis, usually during the summer and early fall.

Salvage is material to be used for further use, recycling, or sale.

Salvage yard is any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclable.

Satellite dish antenna is a device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive televisions, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

School means a public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Screen is a structure such as a fence or wall, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

Service Business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence, or within the building occupied by the service business. Service businesses include personal services, such as hair or skin care, dry cleaning, tailoring, and shoe repair.

Service drive is a drive which generally parallel the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

Setback, required is the required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium, setbacks".

Setback, parking lot is the minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

Sexual Encounter Center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually Oriented Business means a business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; (9) sexual encounter center.

Shopping center is a commercial enterprise which is planned and developed as a unit, and which includes a group of retail businesses. Off-street parking is provided for the shopping center as a whole, as opposed to providing separate areas for individual businesses.

Shoreline is the edge of a body of water measured at the ordinary high water mark.

Sight distance is the length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

Sign - definitions in Chapter 6, Signs and Billboards.

Site condominium - see "condominium unit site."

Site plan is a scaled drawing(s) illustrating existing condition and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provision.

Special land use is a use of land which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

Specified Anatomical Areas are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and completely covered.

Specified Sexual Activities means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

Stable, private is a stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two (2) horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one acre of land for each additional horse stabled thereon.

Stable, public is a stable other than a private stable, with a capacity for more than two (2) horses, and carried on within an unplatted tract of land of not less than forty (40) acres.

State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled, or physically handicapped adults who require ongoing supervision, but not continuing nursing care. The licensee must be a member of the household and an occupant of the residence.

Story is a portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four (4) feet above the average adjoining ground surface.

Street is a public thoroughfare which affords the principal means of access to abutting property.

Structure is anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50% solid, tanks, towers, dish antennae, advertising devices, tents, wagons, trailers, dining cart, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.-

Structural Alterations are any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

Substantial improvement is any repair, reconstruction, or improvement of a structure, the cost of which equals or exceed fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of the definition, "substantial improvement" is

considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places of the State Inventory of Historic Places.

Temporary building, structure or use is a building, structure or use permitted to exist during period of construction of the principal building, structure, or use.

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

Undeveloped State - Undeveloped state means a natural state preserving natural resources, natural features, scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include golf courses but may include recreational trails, picnic areas, playgrounds, greenways or linear parks. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public (*Added by Ordinance #67*).

Variance is a relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 184 of the Public Acts of 1943, as amended.

Vehicle is any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Vehicle repair or storage establishment See "Motor Vehicles Sales and/or Repair."

Veterinary Clinic is a building, or any portion thereof, used for the treatment of animals.

Warehouse is an enclosed building which is mainly used for the storage of non-hazardous goods and materials for eventual use elsewhere. No manufacturing, assembly, packaging, or retail sales take place at a warehouse. Warehouses are typically used in conjunction with some other business activity, such as a wholesale business, motor freight terminal, or building supply business.

Mini-warehouse or self-storage warehouses are not included in this definition.

Waste or Waste material is any amount of material commonly referred to as and including the following: garbage, rubbish, ashes, sludges, solid industrial and commercial waste, animal feces and remains, and demolished construction material.

Wetland is land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which otherwise conforms to the definition of a "wetland" as set forth in MCL 324.30301, as amended (*Amended by Ordinance #67*).

Wetland, regulated is certain wetlands regulated by the Michigan Department of Natural Resources under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

1. Contiguous to an inland lake or pond, or a river or stream;
2. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
3. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner...pa

Wholesale Business is an enterprise which buys and/or repackages products for sale to retail businesses. The inventory of a wholesale business is stored within an enclosed building.

#### Yard

1. A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.
2. Front yard: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or

structure. In the case of a waterfront lot, the yard on the street side shall be the front yard **(See Figure 6)**.

3. Rear yard: A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building **(See Figure 6)**.
4. Side Yard: A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard **(See Figure 6)**.

Zoning Act is Michigan Act 184 of 1943, as amended.

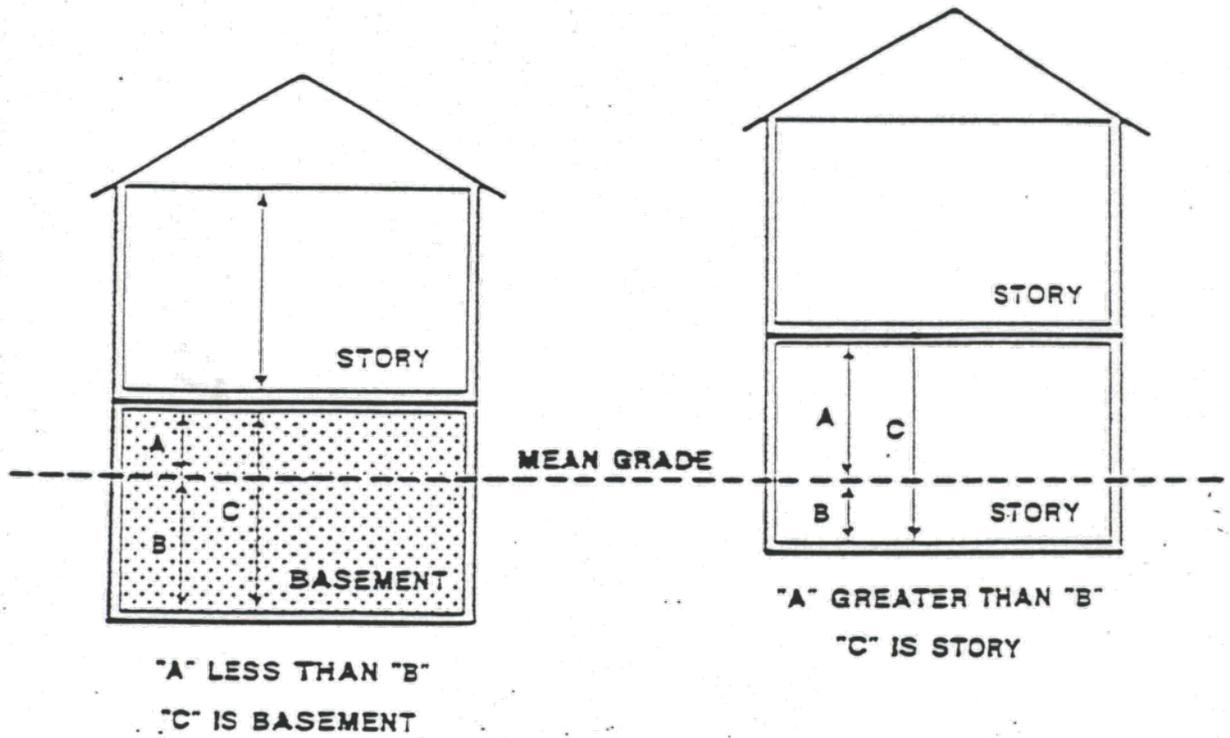
Zoning Administrator is an individual appointed by the Haring Charter Township Board delegated to administer the Haring Charter Township Zoning Ordinance.

Zoning Board of Appeals is the Haring Charter Township Zoning Board of Appeals created under Act 184 of the Public Acts of 1943, as amended.

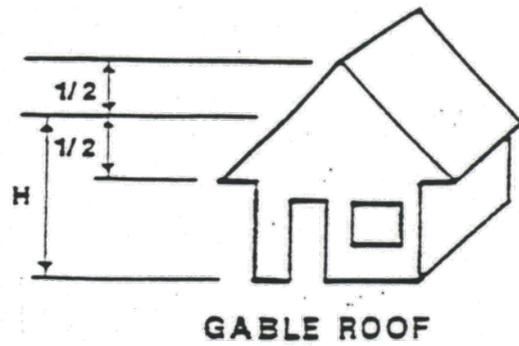
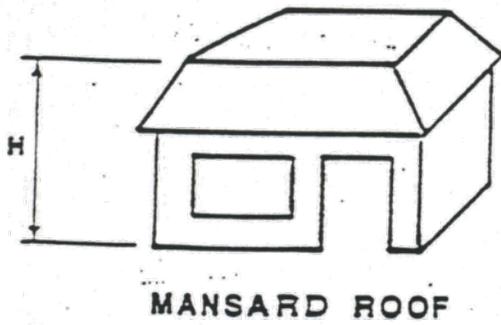
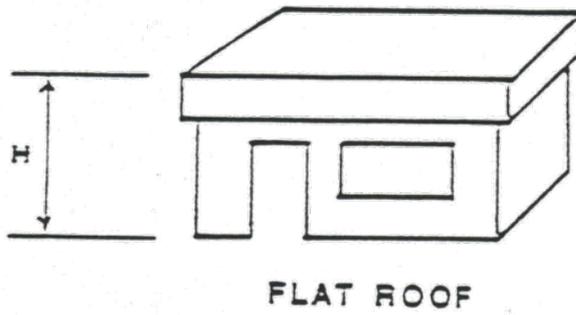
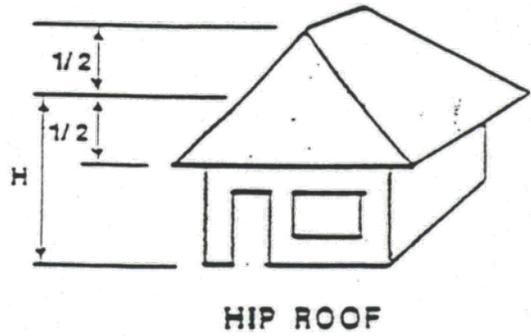
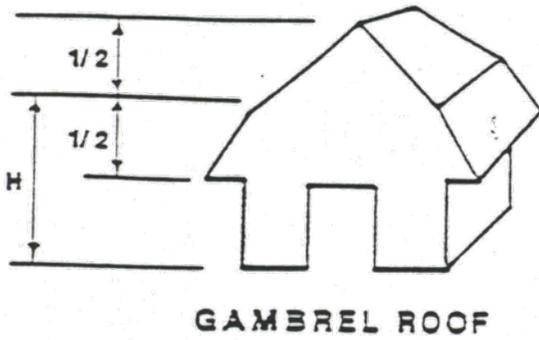
Zoning District is a portion of the incorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of the Ordinance.

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**FIGURE 2 - BASEMENT AND STORY**



**FIGURE 3 - BUILDING HEIGHTS**



120

**FIGURE 4 - MEAN GRADE**

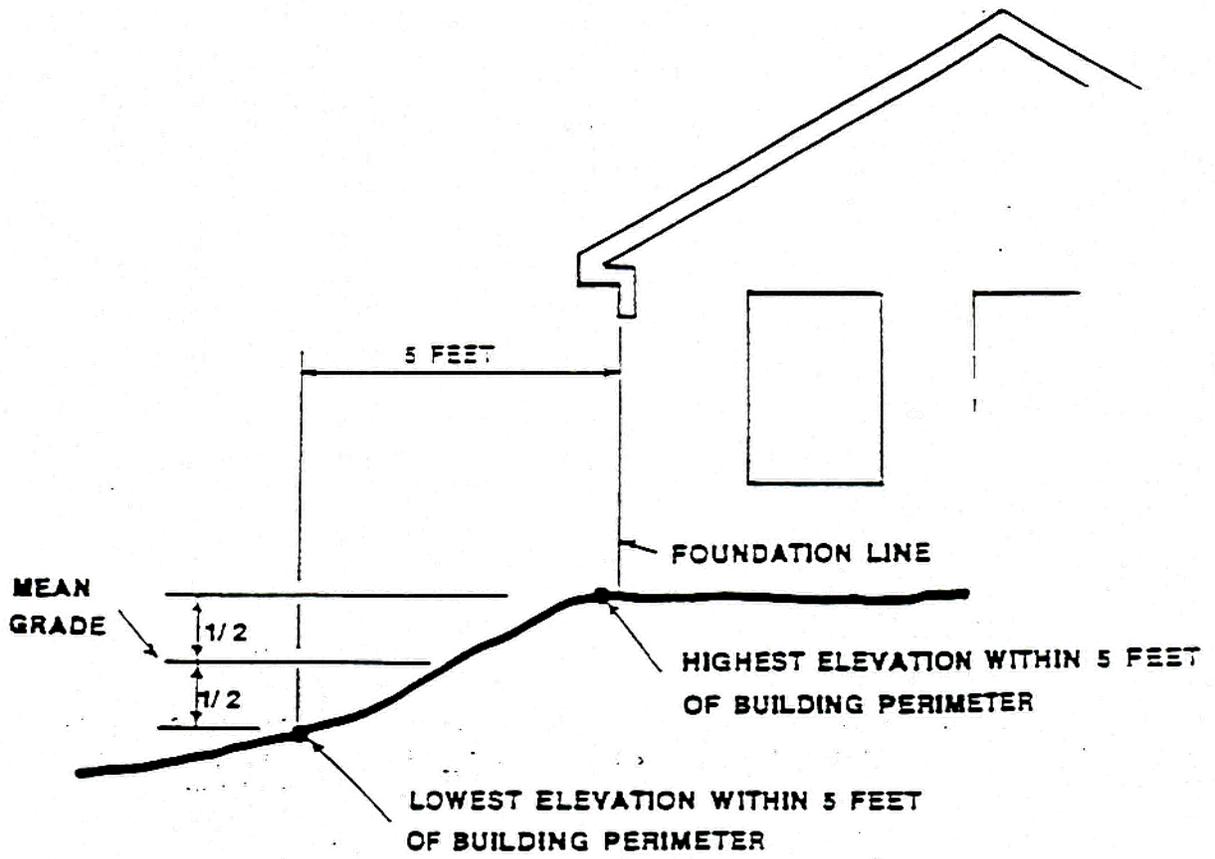


FIGURE 5 - CORNER LOT

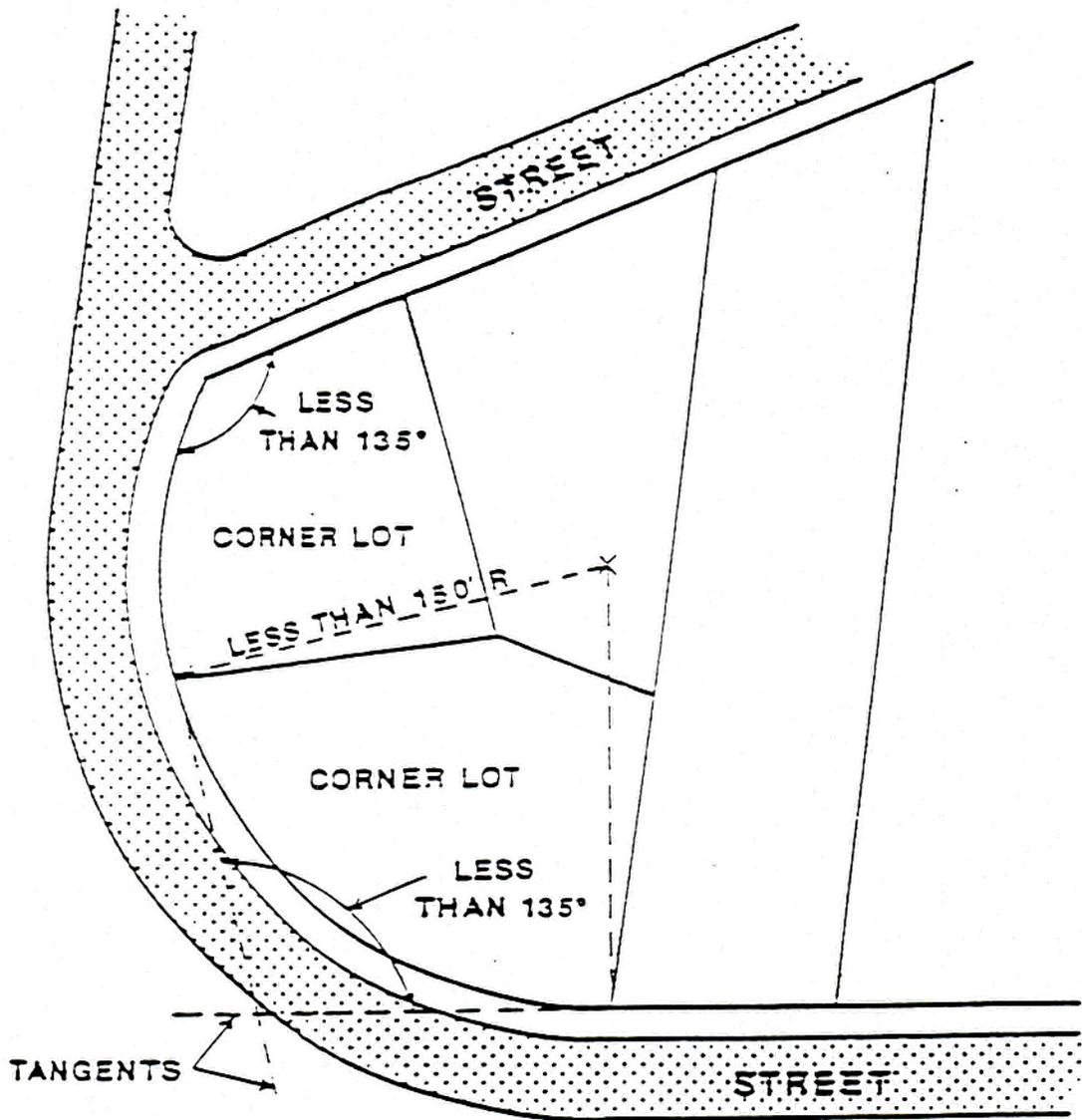
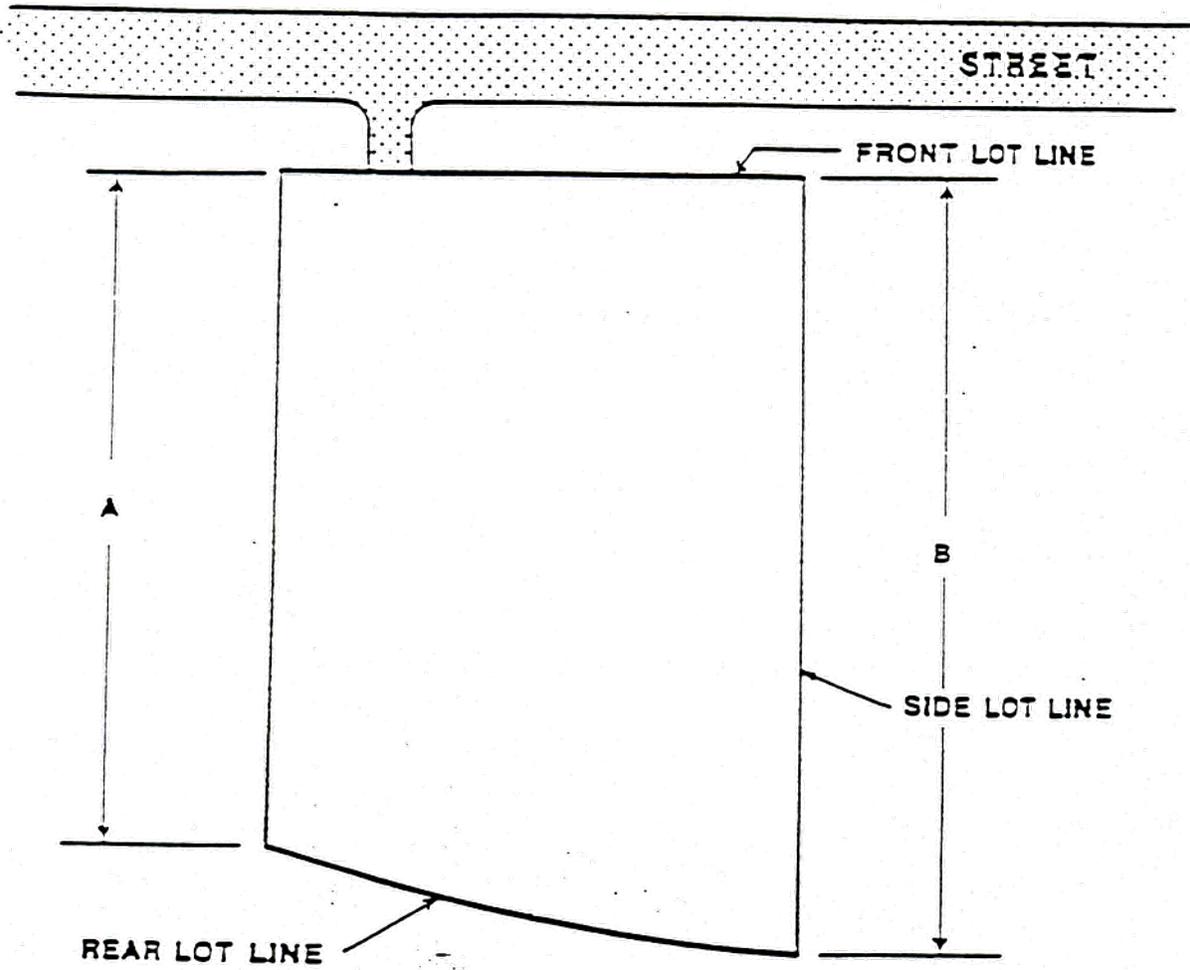


FIGURE 6 - LOT DEPTH



LOT DEPTH=DISTANCE A + DISTANCE B

FIGURE 7 - LOT LINES AND YARDS

