

**ARTICLE 1.00**

**RULES OF CONSTRUCTION  
AND DEFINITIONS**

**Section 1.01. SHORT TITLE**

This Ordinance shall be known as the "Williamstown Township Zoning Ordinance". Within the following text it may be referred to as the "Ordinance" or the "Zoning Ordinance."

**Section 1.02. RULES OF CONSTRUCTION**

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

- A. The particular shall control the general.
- B. Words used in the present tense shall include the future.
- C. Words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The masculine gender includes the feminine and neuter.
- F. All measurements shall be to the nearest integer, unless otherwise specified herein.,
- G. The phrase "used for" includes "arranged for", "designed for", "intended for", "occupied for", and "maintained for".
- H. The word "building" includes the word "structure". The word "build" includes the words "erect" and "construct". A "building" or "structure" includes any part thereof.
- I. The word "person" includes an individual a corporation, a partnership, an incorporated association, or any similar entity.
- J. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either/or", the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
  - 3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- L. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.

- M. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.
- N. The term "residential districts" includes the R-1, R-1-S, RR, RE, AG-SF, RM-1, and MHP districts, unless otherwise noted.

### **Section 1.03. DEFINITIONS**

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

**ACCEPTED AGRICULTURAL PRACTICES:** Methods promulgated by the Michigan Commission of Agriculture regarding manure management and utilization, nutrient utilization, pesticide utilization and pest control, and other agricultural operations for the purpose of maintaining high productivity while minimizing off-site impacts and environmental costs and risks associated with agricultural operations.

**ACCESSORY USE, BUILDING, OR STRUCTURE:** A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and, unless otherwise specifically permitted, is located on the same zoning lot as the principal use to which it is related.

**ADULT REGULATED USES:** As used in this Ordinance, the following definitions shall apply to adult regulated uses:

- A. **Adult Book Or Supply Store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- B. **Group "A" Cabaret:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.
- C. **Adult Motion Picture Theater or Adult Live Stage Performing Theater:** An enclosed building with a capacity of twenty-five (25) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- D. **Adult Model Studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bonafide art school or similar educational institution.

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- E. **Adult Motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- F. **Adult Motion Picture Arcade:** Any place where 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 displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
- G. **Massage Parlor or Massage Establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.
- H. **Adult Outdoor Motion Picture Theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- I. **Specified Anatomical Areas:** Portions of the human body defined as follows:
1. Less than completely and opaquely covered human genitals, public region, buttocks, or female breast below the point immediately above the top of the areola, and
  2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- J. **Specified Sexual Activities:** The explicit display of one or more of the following:
1. Human genitals in a state of sexual stimulation or arousal.
  2. Acts of human masturbation, sexual intercourse, or sodomy.
  3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.  
***(revised 12/1/98)***

**AGRICULTURE:** The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

**AIRCRAFT:** As defined in the Michigan Aeronautics Code, any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air. ***(definition added 7/1/97)***

**AIRPORT:** As defined in the Michigan Aeronautics Code, any location, either on land or water, which is used for the landing or take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used

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or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. **(definition added 7/1/97)**

- a. **AIRPORT, PUBLIC USE:** An airport for public use is licensed as such by the State of Michigan and is available for use by the general public.
- b. **AIRPORT, PRIVATE USE:** An airport for private use is not licensed and is available for the sole use of the person who owns or maintains the airport and his/her invited guests.

**ALLEY:** A dedicated public vehicular way usually between or behind buildings, which affords a secondary means of access to abutting property but is not intended for general traffic circulation.

**ALTERATIONS:** Any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as walls or partitions, columns, or beams or girders, or any change which may be referred to herein as "altered" or "reconstructed".

**ANIMAL HOSPITAL:** See CLINIC, VETERINARY.

**ANTIQUES MALL:** A retail building containing a co-operative or group of antiques dealers with each individual dealer having a separate display/sales area. **(definition added 7/6/04)**

**APARTMENT:** See DWELLING, MULTIPLE-FAMILY.

**ARCADE:** Any establishment which provides on its premises three (3) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

**ATTACHED WIRELESS COMMUNICATIONS FACILITIES.** Wireless communication facilities that are affixed to *existing* structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established is not included in this definition. **(revised 6/3/97)**

**AUTOMOBILE:** Unless specifically indicated otherwise, "automobile" shall mean any vehicle including by way of example, cars, trucks, vans, motorcycles, and the like.

**AUTOMOBILE FILLING STATION:** A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use, but no auto repairs shall be permitted. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

**AUTOMOBILE REPAIR:** Major or minor repair of automobiles defined as follows:

- A. **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- B. **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

**AUTOMOBILE REPAIR GARAGE:** An enclosed building where minor and major automobile repair services may be carried out.

**AUTOMOBILE SERVICE STATION:** A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.

**AUTOMOBILE OR VEHICLE DEALERSHIP:** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

**AUTOMOBILE WASH OR CAR WASH ESTABLISHMENT:** A commercial establishment contained within a building or premises or portion thereof where automobiles are washed.

**BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

**BASEMENT:** That portion of a building which is partially or totally below grade, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

**BED-AND-BREAKFAST ESTABLISHMENT:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

**BEDROOM:** A room designed or used in whole or part for sleeping purposes.

**BERM:** See LANDSCAPING.

**BLOCK:** The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

**BOARD OF APPEALS:** The Williamstown Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 184 of 1943, as amended.

**BOARDING HOUSE:** A building, other than a hotel where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A rooming house shall be deemed a boarding house for the purposes of this Ordinance.

**BONA FIDE FARM:** A bona fide farm is one that is operated by a farmer whose primary business and vocation is farming. To qualify as a bona fide farm, the farmer must have derived a majority of his or her earned income from the farming operation for the preceding year or two (2) of the three (3) immediately preceding years as shown on the property owner's Federal income tax returns. *(definition added 7/6/04)*

**BUILDABLE AREA:** The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

**BUILDABLE AREA, NET:** The net buildable area is that portion of a site that is not encumbered by Michigan Department of Environmental Quality (MDEQ)-regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for a use permitted in the district in which the site is located.

**BUILDING:** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels, or property or materials of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

**BUILDING, PRINCIPAL:** A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed or intended for the shelter or enclosure of the principal use of the parcel.

**BUILDING, ACCESSORY:** See ACCESSORY USE, BUILDING, OR STRUCTURE.

**BUILDING, TEMPORARY:** A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site.

**BUILDING ENVELOPE:** See BUILDABLE AREA.

**BUILDING HEIGHT:** The vertical distance measured from the established grade to:

- A. the highest point of the coping of a flat roof;
- B. to the deck line of a mansard roof; or,
- C. to the average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or
- D. seventy-five percent (75%) of the height of an A-frame.

Where a building is located on sloping terrain, the height shall be computed using the average grade measured at the building wall on all four sides (see illustration).

**BUILDING LINE:** A line parallel to the front lot line at the minimum required front setback line (see illustration).

**BUILDING OFFICIAL:** The officer or other authority designated by the Township Board to administer and enforce the Building Code.

**BULK:** The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

**CARETAKER LIVING QUARTERS:** An independent residential dwelling unit designed for and occupied by no more than two (2) persons, where at least one (1) is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

**CEMETERY:** Land used for the burial of the dead, including columbariums, crematories, and mausoleums.

**CHURCH OR SYNAGOGUE:** Any structure wherein persons regularly assemble for religious activity.

**CLINIC, MEDICAL:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**CLINIC, VETERINARY:** An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

**BUILDING HEIGHT**

**BUILDING LINE**

**CLUB or FRATERNAL ORGANIZATION:** An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this Ordinance.

**CLUSTERING:** A development design technique in which uses are grouped or "clustered" in specific areas on a site (see also Cluster Housing).

**CLUSTER HOUSING:** A housing development that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas (see also Clustering).

**COAL, COKE AND FUEL YARD:** A parcel, or a portion of a parcel, that is used as a storage, loading, and dispatch center by a business engaged in the sale of coke, coal, fuel or similar products.

**COLOCATION.** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the intent to reduce the total number of structures required to support wireless communication antennas in the Township. *(revised 6/3/97)*

**COLLEGE, UNIVERSITY:** A school of higher learning, consisting of a building or buildings and other facilities for teaching and research, and that grants bachelor's and master's degrees and doctorates.

**COMMERCIAL AGRICULTURE:** The use of land and/or structures for the growing and/or production of farm products where the intent is to generate income.

**COMMERCIAL LIVESTOCK OPERATIONS:** The use of land for the growing and/or raising of livestock and processing of livestock products for income, including but not limited to beef cattle, hogs, poultry, and other farm animals.

**COMMERCIAL RADIO TOWER:** A tower used to transmit or receive electromagnetic waves, where such activity is undertaken for the purpose of generating income.

**COMMERCIAL USE:** The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this Ordinance "commercial use" shall not include industrial, manufacturing, or wholesale businesses.

**COMMERCIAL VEHICLES and EQUIPMENT:** All power vehicles and equipment constructed or used for transportation of goods, wares, materials, passengers, merchandise, and/or all other power vehicles and equipment designed and used for drawing other vehicles or used in construction or landscaping, including, but not limited to: dump truck, stake truck, tank truck, flatbed truck, step van, panel truck, wrecker, car hauler, truck tractor, construction and landscaping vehicles and equipment, sprayers, excavating equipment, logging vehicle, bulldozer, backhoe, front loader, bus, hearse, ambulance, or limousine. The determination whether other vehicles or equipment not specifically listed satisfy the definition of "Commercial Vehicles and Equipment" shall be made on a case by case basis by the Township Board. *(revised 2/3/04)*

**COMMISSION:** The Planning Commission of the Township of Williamstown.

**COMPOSTING CENTER:** Composting is the biological decomposition of organic matter under controlled conditions that are characterized by aerobic, elongated piles (windrows) that generate heat. A composting center is location where organic matter is collected and delivered from off-site, thereby allowing for large-scale composting involving various composting technologies.

**CONCRETE PLANT:** An industrial facility where cement, water, and other products are mixed to produce concrete for delivery to a job site.

**CONDOMINIUM:** A condominium is a system of separate ownership of individual units in multi-unit projects. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- A. **Condominium Act:** Shall mean Public Act 59 of 1978, as amended.
- B. **Condominium Lot:** That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations (Section 26.02).
- C. **Condominium Subdivision Plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- D. **Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project. A condominium unit is not a lot or condominium lot as those terms are used in this Ordinance.

- E. **Common Elements:** Portions of the condominium project other than the condominium units.
- F. **Detached Condominium:** A condominium project of detached units designed to be similar in appearance to a conventional single family subdivision, except that limited common areas are not arranged in such a manner as to create clearly defined condominium lots.
- G. **General Common Elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.
- H. **Limited Common Elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- I. **Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- J. **Site Condominium Project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

**CONGREGATE HOUSING:** See HOUSING FOR THE ELDERLY.

**CONSERVATION EASEMENT:** A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.

**CONTRACTOR'S YARD:** A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

**CONVALESCENT HOME:** See NURSING HOME.

**CONVENIENCE STORE:** A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic.

**CO-OP (COOPERATIVE) HOUSING:** A multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

**CORPORATE RETREAT CENTERS:** (See RETREAT CENTER.)

**CURB CUT:** The entrance to or exit from a property provided for vehicular traffic to or from a public or private road or highway.

**DECK:** A platform, commonly constructed of wood, which is typically attached to a house, and which is typically used for outdoor leisure activities.

**DENSITY:** The number of dwelling units per acre of land.

- A. **Gross Density:** The number of units per acre of total land being developed.
- B. **Net Density:** The number of units per acre of land devoted to residential use.

**DETENTION BASIN:** A man-made or natural water collection facility designed to collect surface water in order to impede its flow and to permit release of the water gradually onto natural or man-made outlets.

**DEVELOPMENT:** The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

**DISTRIBUTION CENTER:** A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

**DISTRICT, ZONING:** A portion of the unincorporated area of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

**DRIVE-IN:** A business establishment so designed that its operation involves providing service to patrons while they are in their car, rather than within a building or structure.

**DRIVE-IN THEATER:** An open-air theater constructed and operated at an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in a vehicle. The term "drive-in theater" as used herein shall include the entire premises upon which such theater is constructed and operated, including parking areas and all other facilities accessory to such business.

**DRIVEWAY:** A private lane, designed primarily for use by vehicles, that connects a house, garage, or other buildings with the road.

**DWELLING:** Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a detached or attached garage, travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

**DWELLING, ACCESSORY APARTMENT:** A dwelling unit that is accessory to and contained within the principal single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption, or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

**DWELLING, MANUFACTURED:** A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

**DWELLING, MOBILE HOME:** A type of manufactured housing that is transportable in one (1) or more sections, that is built upon a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance.

**DWELLING, MULTIPLE-FAMILY:** A building designed for and occupied by three (3) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly known as apartments which are defined as follows:

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- A. **Apartment:** An apartment is an attached dwelling unit with party walk contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
- B. **Efficiency Unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

**DWELLING, ONE-FAMILY OR SINGLE-FAMILY:** An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

**DWELLING, TWO-FAMILY OR DUPLEX:** A detached building, designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex dwelling.

**DWELLING UNIT:** One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one (1) family for living, cooking, and sleeping purposes.

**DWELLING UNIT, SINGLE-FAMILY ATTACHED OR TOWNHOUSE:** A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are sometimes known as row houses.

**EARTH-SHELTERED HOME:** A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

**EASEMENT:** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

**ENGINEER, TOWNSHIP:** The Township Engineer is the person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

**ENFORCEMENT OFFICIAL:** The Enforcement Official is the person or persons designated by the Township as being responsible for enforcing and administering requirements of this Zoning Ordinance. Throughout this Ordinance the Enforcement Official may be referred to as the Building Official, Planning Official, Public Safety Official, Engineering Official or their agents. Such titles do not necessarily refer to a specific individual, but generally the office or department most commonly associated with the administration of the regulation being referenced.

**ERECTED:** Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill drainage, and the like shall be considered part of erection.

**ESSENTIAL SERVICES:** The term "essential services" shall mean the erection, construction, alteration, or maintenance by public or quasi-public utilities or municipal departments of underground, surface, or overhead electrical, gas, steam, fuel or water systems, for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment which are necessary for the furnishing of adequate service to Township residents by such utilities or municipal departments for the general health, safety, and

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welfare of the public; but not including storage yards, sales or business offices, commercial buildings or activities, school bus yards, and wireless communication facilities. (*revised 6/3/97*)

**EXCAVATION:** The removal or movement of soil sand, stone, gravel or fill dirt except for common household gardening, farming, and general ground care.

**EXCEPTION:** An exclusion from the normal Zoning Ordinance rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions. A variance is not required for uses or structures which are permitted because of an exception.

**FAMILY:** Means either of the following:

1. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling. (*revised 2/3/98*)
2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application to the Planning Commission for a special land use based upon the applicable standards in this Ordinance.

**FARM:** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products. For the purposes of this Ordinance, farms shall not include establishments, for keeping or raising fur-bearing animals, private stables, commercial dog kennels, piggeries, greenhouses, or stockyards, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land.

A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for education, demonstration, or recreational purposes. Such quasi-farm operations may be known as "petting zoos" or "model farms" or "interpretative farms."

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs(s) and/or sales, contractor's yards, stump removal and/or processing, snow removal businesses lawn maintenance businesses or any other activities other than those incidental to the bona fide farm.

**FARM ANIMALS:** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, that are capable of being trained and adapting to living in a human environment. (*revised 3/6/01*)

**FARM BUILDINGS:** Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried on that type of farm.

**FARM, DEMONSTRATION OR INTERPRETIVE:** A farm that exists for the principal purpose of educating people about farming and farm life. Such a farm typically has barns, silos, paddocks, pastures, fields, farm implements, and other buildings and tools that are commonly found on a

working farm, along with displays, workshops, classrooms and other facilities necessary to carry out the educational function of the demonstration farm. **(revised 6/29/99)**

**FEEDLOT:** Any parcel of land or premises on which the principal use is the concentrated feeding of farm animals within a confined area. Farm animals include livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals. Feedlots are also known and sometimes referred to as "livestock confinement areas." **(revised 2/3/98)**

**FENCE:** An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

**FILL, FILLING:** The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

**FLAG LOT:** See LOT, FLAG. **(revised 2/3/98)**

**FLOODPLAIN:** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

- A. That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year base flood.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than one foot.

**FLOOR AREA, GROSS:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**FLOOR AREA, NET:** See FLOOR AREA, USABLE RESIDENTIAL, and FLOOR AREA, USABLE NONRESIDENTIAL.

**FLOOR AREA, USABLE RESIDENTIAL:** The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

**FLOOR AREA, USABLE NONRESIDENTIAL:** The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area (see illustration).

**FRATERNAL ORGANIZATION:** See CLUB.

**GARAGE, PRIVATE:** An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

**GARAGE, PUBLIC:** See AUTOMOBILE REPAIR GARAGE.

**GAS STATION:** See AUTOMOBILE FILLING STATION and AUTOMOBILE SERVICE STATION.

**GOLF COURSE OR COUNTRY CLUB:** The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

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

**GREENBELT:** See LANDSCAPING.

**GYM or GYMNASIUM:** A room or building equipped for gymnastics, exercise or sport.

**HAZARDOUS USES:** Any activity which is or may become injurious to public health, safety, or welfare or the environment. Hazardous uses include but are not limited to all uses which involve the storage, sale, manufacture, or processing of materials which are dangerous or combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed the Michigan Building Code, as amended.

**HAZARDOUS SUBSTANCE:** Pursuant to Michigan Public Act 451 of 1994, as amended, “hazardous substance” shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act, Act No. 93 of the Public Acts of 1981, as amended, being sections 286.471 to 286.474 of the Michigan Compiled Laws:

- A. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, or welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.
- B. “Hazardous substance” as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767.
- C. “Hazardous waste” as defined in Chapter 3, Part 111, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.11101 to 324.11152 of the Michigan Compiled Laws.

**FLOOR AREA**

- D. "Petroleum" as defined in Chapter 8, Parts 211 and 213, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.21101 to 324.2121331 of the Michigan Compiled Laws.

**(revised 2/3/98)**

**HEIGHT OF BUILDING:** See BUILDING HEIGHT.

**HIGHWAY:** See STREET.

**HOME OCCUPATION:** An occupation or profession conducted within a dwelling or on a residential lot by the inhabitants thereof, where such use is clearly incidental to the principal use of the dwelling as a residence, and where such use does not:

- A. change the character or appearance of the residence,
- B. does not result in any signs or displays on the premises, except as permitted herein, and
- C. does not require equipment other than what would commonly be found on a residential premises.

**HOSPITAL:** An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

**HOSPITAL VETERINARY:** (See CLINIC, VETERINARY.)

**HOTEL:** A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen, and meeting rooms.

**HOUSING FOR THE ELDERLY:** An institution other than a hospital hotel or nursing home, which provides room and board to non-transient persons primarily sixty (60) years of age or older. Housing for the elderly may include the following:

- A. **Senior Apartments:** Multiple-family dwelling units occupied by persons 55 years of age or older.
- B. **Elderly Housing Complex:** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
- C. **Congregate Housing:** A type of semi-independent housing facility containing common kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- D. **Dependent Housing Facilities:** Facilities such as nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

**IMPERVIOUS SURFACE:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**INDOOR RECREATION CENTER:** An establishment which provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of this Ordinance, a bowling establishment shall be considered a type of indoor recreation center.

## ***Rules of Construction, Definitions***

**INDUSTRY, HEAVY:** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**INDUSTRY, LIGHT:** A use engaged in the manufacture, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**INGRESS AND EGRESS:** As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

**JUNK:** Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. Junk shall also include disorderly piles of wood, such as piles of firewood.

**JUNK YARD or SALVAGE YARD:** An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles. A "junkyard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk,

**KENNEL:** Any lot or premises where the number of domestic animals six (6) months or older that are kept exceeds the following amounts:

- a. more than six (6) animals total, or,
- b. more than three (3) dogs, or
- c. more than three (3) cats,

whether such animals are being kept permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, or pets, subject to the regulations set forth herein regulating private and commercial kennels.

**LAKE:** Any body of water, natural or artificial, defined as "inland lake or stream" in the Inland Lakes and Streams Act of 1972, P.A. 1972, No. 346, as amended.

**LANDFILL:** A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan Public Act 641 of 1979, as amended.

**LANDING AREA:** An area of an airport or used or intended for use in landing, taking off or taxiing of aircraft, excluding area and facilities for shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo. ***(definition added 7/1/97)***

**LANDING FIELD:** Any location, either on land or water, which shall be used for the landing or take-off of aircraft with safety, but which is not equipped with facilities for shelter, supply and repair of aircraft. ***(definition added 7/1/97)***

**LANDSCAPING:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material.

Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- A. **Berms:** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Ordinance.

## ***Rules of Construction, Definitions***

- B. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Ingham County, Michigan.
- C. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this ordinance.
- D. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- E. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- F. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
- G. **Interior Parking Lot landscaping:** A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
- H. **Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- I. **Nurse Grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- J. **Screen or Screening:** A wall wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- K. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- L. **Sod:** An area of grass-covered surface soil held together by matted roots.
- M. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Ingham County, Michigan.
  - 1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
  - 2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
- N. **Ornamental Tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.
- O. **Shade Tree:** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of fifteen (15) feet or greater in Ingham County, Michigan, and has a trunk with at least five (5) feet of clear stem at maturity.
- P. **Vine:** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

**LANDSCAPING CONTRACTOR'S OPERATION:** A business engaged in the practice of improving building sites or other grounds by contouring the land and planting flowers, shrubs, and trees and lawn mowing. A Landscaping Contractor's Operation typically consists of equipment, tools, vehicles, and materials used in or associated with such a business. ***(revised 12/1/98)***

**LIVESTOCK:** Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm.

**LOADING SPACE, OFF-STREET:** An off-street space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

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

**LOT AREA, NET:** The total horizontal area within the lot lines of the lot, exclusive of any abutting public road rights-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

**LOT AREA, GROSS:** The net lot area plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

**LOT, CONTIGUOUS:** Lots adjoining each other.

**LOT, CORNER:** A lot abutting on and at the intersection of two or more streets, provided that the streets intersect at an angle of not more than one hundred thirty-five (135) degrees.

Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above (see illustration). A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.

For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way.

**LOT COVERAGE:** The part or percent of the lot that is occupied by buildings and structures.

**LOT DEPTH:** The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

**LOT, DOUBLE FRONTAGE (OR THROUGH LOT):** A lot other than a corner lot having frontage on two (2) streets, but not including a corner lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

**LOT, FLAG:** A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road. The extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

**LOT, INTERIOR:** Any lot other than a corner lot with only one (1) lot line fronting on a street.

**LOT LINES:** The lines bounding a lot as follows:

- A. **Front Lot Line:** In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the Front Lot Line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Planning

## ***Rules of Construction, Definitions***

Commission or Building Official. On a flag lot, the Front Lot Line shall be the interior lot line most parallel to and nearest the street from which access is obtained.

- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD:** A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Ingham County Register of Deeds and Township Treasurer, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Ingham County Register of Deeds and Township Treasurer.

**LOT WIDTH:** The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines (see illustration).

**LOT SPLIT AND CONSOLIDATION:** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Ingham County Register of Deeds and the Township Treasurer.

**MAIN ACCESS DRIVE:** Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

**MARGINAL ACCESS ROAD:** See SECONDARY ACCESS DRIVE.

**MASTER PLAN:** The Master Plan is a document which is prepared under the guidance of and is adopted by the Planning Commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township.

**MEZZANINE:** An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located.

**MINI-WAREHOUSE:** A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

**MOBILE HOME:** See DWELLING, MOBILE HOME.

**INTERIOR AND CORNER LOTS**

**LOT WIDTH AND SETBACKS**

**MOBILE 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 therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

**MOBILE HOME LOT:** An area within a mobile home park which is designated for the exclusive use of a specific mobile home.

**MORTUARY or FUNERAL HOME:** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

**MOTEL:** A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

**MUNICIPALITY:** The Township of Williamstown, Ingham County, Michigan.

**NATURAL AREA:** A land area or water body which is generally not occupied by structures, roads, or other manmade elements, and which contain flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling, or other similar activity may have previously occurred. ***(revised 1/9/96)***

**NATURAL RESOURCES:** Natural resources shall include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types: renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as "natural features" in this Ordinance. ***(revised 1/9/96)***

**NATURE CENTER:** A facility that exists for the principal purpose of educating people about and exposing them to the Natural Resources. Such a facility typically has indoor and outdoor facilities and uses, including buildings which may contain classrooms, displays, workshops, offices, and similar uses; interpretive trails, outdoor displays, and other outdoor educational displays or facilities; and, accessory uses or facilities, such as parking, restrooms, etc. ***(revised 6/29/99)***

**NONCONFORMITY:** Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located (see also definitions in Section 3.02).

**NUISANCE:** Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

**NURSERY, DAY NURSERY, or NURSERY SCHOOL:** See RESIDENTIAL CARE FACILITIES.

**NURSERY, PLANT MATERIAL:** A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises, but not including any space, building or structure used principally for the sale of fruits, vegetables, or Christmas trees.

**NURSING HOME, CONVALESCENT HOME, or REST HOME:** A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged

and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

**OCCUPANCY, CHANGE OF:** The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

**OCCUPIED:** Used in any way at the time in question.

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

**OIL OR GAS PROCESSING PLANT:** A facility designed for separating, metering, holding and marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

**OPEN AIR BUSINESS:** Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- A. Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil trellises, and lawn furniture.
- B. Roadside stands for the sale of agricultural products.
- C. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- D. Outdoor display and sale of garages, swimming pools, playground equipment, and uses.

**OPEN SPACE:** Any parcel or area of land or water that is generally free of structures and that is set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be required for recreation, resource protection, aesthetics, or other purposes."

**ORDINARY HIGH WATER:** 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 STORAGE:** The keeping, in an unroofed area, of any goods, junk, material merchandise or vehicles in the same place for more than 24 hours.

**OUTLOT:** A parcel of land which is designated as an "outlot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

**PARCEL:** A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act and has frontage on a public street.

**PARKING LOT, OFF-STREET:** An area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

**PARKING SPACE:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**PERC TEST or PERCOLATION TEST:** A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

**PERFORMANCE 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 approved plans and specifications of the development.

**PERSON:** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

**PERSONAL FITNESS CENTER:** A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

**PERVIOUS SURFACE:** A surface that permits full or partial absorption of storm water.

**PET:** A domesticated dog, cat, bird, gerbil hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

**PLANNED DEVELOPMENT:** A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

**PLANNER, TOWNSHIP:** The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township administration, Township Board, and Planning Commission on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

**PLANNING COMMISSION:** The Planning Commission of the Township of Williamstown.

**PLAT, SUBDIVISION:** The division of a tract of land for the purpose of sale, lease or building development, in accordance with Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, or any successor thereto, and subdivision control regulations as may be adopted by the Township. *(revised 1/9/96)*

**PLOT PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and all salient features required to adequately evaluate whether the approvals sought by an applicant are in compliance with this Ordinance.

**PRINCIPAL USE:** See USE, PRINCIPAL.

**PRIVATE STREET OR ROAD:** See ROAD.

**PROPERTY LINE:** The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

**PUBLIC SAFETY OFFICIAL:** The Public Safety Official refers generally to the departments or persons who perform police, fire fighting, and other public safety functions for the Township.

**PUBLIC UTILITY:** Any persons, firm, corporation, municipal department, or board, duly authorized to furnish under federal, state, or local regulations a service which is of public consequence and need. The principal distinctive characteristics of a public utility are that: (1) because of the nature of its business, it has characteristics of a natural monopoly, and (2) it provides a service to an indefinite public (or portion of the public) which has a legal right to demand and receive its services. *(revised 6/3/97)*

**REAL PROPERTY:** Includes the surface, whatever is attached to the surface (such as buildings or trees), whatever is beneath the surface (such as minerals), and the area above the surface, i.e., the sky.

**RECEPTION ANTENNA:** An apparatus installed out-of-doors which is capable of receiving communications for radio and/or television purposes, including satellite reception antennas, but excluding such facilities that have been preempted from Township regulation by applicable state or federal laws or regulations.

**RECREATION LAND:** Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

**RECREATIONAL VEHICLE:** "Recreational Vehicles" shall include the following:

- A. **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
- B. **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- C. **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. **Folding Tent Trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
- E. **Boats and Boat Trailers:** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. **Other Recreational Equipment:** Other recreational equipment includes snowmobiles, all terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

**RECOGNIZABLE AND SUBSTANTIAL BENEFIT:** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

**RECREATIONAL FACILITIES:** Playgrounds, parks, picnic areas, golf courses, ball fields, camps, swimming pools, nature preserves or any other type of community space or equipment that is designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.

**RECYCLING CENTER:** A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

**RESIDENTIAL CARE FACILITIES:**

- A. **Child Care Organization:** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:
  - 1. **Child care center or day care center** means a facility, other than a private residence, receiving more than six pre-school or school age children for group care

## ***Rules of Construction, Definitions***

for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school parent cooperative preschool play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. **Foster family home** is a private home in which one but not more than four 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 or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
3. **Foster family group home** means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
4. **Family day care** means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

B. **Adult Foster Care:** A facility for the care of adults, over 18 years of age, as licensed and regulated by the State of Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. Such organizations shall be defined as

1. **Adult foster care facility** means a governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or a residential center for persons released from or assigned to a correctional facility.

2. **Adult foster care small group home** means a facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
3. **Adult foster care large group homes** means a facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
4. **Adult foster care family home** means a private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week or for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

**RECYCLING COLLECTION STATION:** A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

**RESTAURANT:** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. **Restaurant, Carry-Out:** A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. **Restaurant, Drive-In:** A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. **Restaurant, Drive-Through:** A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
- D. **Restaurant, Fast-Food:** A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- E. **Restaurant, Standard:** A standard restaurant is a restaurant whose method of operation involves either:
  - 1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
  - 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- F. **Bar/Lounge:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

**RETENTION BASIN:** A pond, pool, or basin used for the long-term storage of water runoff.

**RETREAT CENTER:** A use that is typically in a building located in a quiet, secluded, area and which contains rooms for meetings, discussion, and contemplation.

**RIDING ARENA:** An area enclosed within a building or fence which is intended to be used as a place to ride horses.

**RIGHT-OF-WAY:** The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

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

- A. **Private Road:** Any road which is to be privately maintained and has not been accepted for maintenance by the Ingham County Road Commission, the State of Michigan or the federal

## ***Rules of Construction, Definitions***

government, but which is subject to approval by the Township. The inclusion of this definition is not intended to indicate that private roads are permitted in Williamstown Township.

- B. Public Road:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the Ingham County Road Commission, State of Michigan or the federal government.
- C. Collector Road:** A road whose principal function is to carry traffic between minor, local and subcollector roads and arterial roads but may also provide direct access to abutting properties.
- D. Cul-De-Sac:** A road that terminates in a vehicular turnaround.
- E. Local or Minor Road:** A road whose sole function is to provide access to abutting properties.
- F. Minor Arterial Road:** A road which carries moderate volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the Township.
- G. Principal Arterial Road:** An arterial road which is intended to service a large volume of traffic for both the immediate area and the region beyond.

**ROADSIDE STAND:** A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.

**ROOM:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**ROOMING HOUSE:** See BOARDING HOUSE.

**RURAL CLUSTER ZONING:** A technique that is intended to preserve the Rural Open Space Environment by grouping dwellings on some portions of the development site in order to preserve the remainder of the site as permanent open space in a natural state or for continued agricultural use. In areas not served by public sewers, units are typically clustered on the portions of the site where the soils are most capable of supporting septic systems. Rural Cluster Zoning is also known as "Open Space Zoning." (See also: "Rural Open Space Environment.")

**RURAL OPEN SPACE ENVIRONMENT:** A type of development that preserves characteristics of the rural/town environment, such as agricultural use of farmlands, open fields, road front trees, woodlots, fence rows, wildlife habitats, historic farm buildings and sites, and wetlands. A development that preserves the rural open space environment typically minimizes large lot sprawl which results in the fragmentation of rural lands. (See also: "Rural Cluster Zoning.")

**SECONDARY ACCESS DRIVE:** A road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are separated from the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

**SEMI-TRAILER:** A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

**SERVICE TRUCK:** A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

**SETBACK:** The distance between the front, side or rear lot line and the nearest part of a structure on a lot. The MINIMUM REQUIRED SETBACK is the minimum distance between a front, side or rear lot line and the nearest part of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

Setback shall also mean the distance between the high water mark of any lake, pond, or other body of water, or wetland and the nearest part of any structure. The MINIMUM REQUIRED SETBACK is the minimum distance from the high water mark of any lake, pond, or other body of water or wetland and the nearest part of a structure in order to conform to the required setback provisions of this Ordinance. *(revised 2/3/98, 2/3/04)*

**SHOPPING CENTER:** A grouping of retail businesses and service uses on a single site with common parking facilities.

**SIGN:** Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined in Article 7.00 of this Ordinance.

**SITE PLAN:** A plan, prepared to scale, as required in Article 27.02, 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, STEEP:** A slope with a "moderate" or "high" erosion hazard (often 7% or greater) as defined in the Michigan Soil Erosion and Sedimentation Control Guidebook. Percent slope shall be computed by dividing the change in elevation by the horizontal distance, times 100. *(revised 1/9/96)*

**SPECIAL EVENT:** An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Williamstown Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**SPECIAL LAND USE/SPECIAL USE:** Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts.

After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval subject to the terms of this Ordinance. *(revised 1/9/96)*

**SPECIAL USE PERMIT:** See SPECIAL LAND USE/SPECIAL USE. *(revised 1/9/96)*

**STABLE, PRIVATE:** A private stable is an enclosed building intended for the keeping of horses or other large domestic animals, for the noncommercial use of the residents of the principal residential use on the site.

**STABLE, PUBLIC:** A public stable is an enclosed building intended for the keeping of horses or other domestic animals, in which any such animals are kept for remuneration, hire, or sale.

**STAKE TRUCK:** A truck having a platform with stakes inserted along the outside edges to retain the load. *(revised 2/3/04)*

**STORY:** That portion of a building, other than a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see illustrations).

A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is twenty-four (24) feet or more.

A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

**STORY, HALF:** The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet, six (6) inches.

**STREET:** See ROAD.

**STREET LOT LINE:** A dividing line between the street and a lot, also known as the right-of-way line.

**STRUCTURAL ADDITION:** Any alteration that changes the location of the exterior walls or area of a building.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

**SUBDIVISION PLAT:** See PLAT, SUBDIVISION. *(revised 1/9/96)*

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

**TEMPORARY USE OR BUILDING:** Shall mean a use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this Ordinance.

**STRUCTURAL TERMS**

**STORY**

**THEATER:** An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

**THOROUGHFARE:** See ROAD.

**TOXIC OR HAZARDOUS WASTE:** Waste or a combination of waste and other deposited, stored or disposed material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical chemical or infectious characteristics may (if improperly treated, deposited, stored, transported, disposed or otherwise managed) cause or significantly contribute to the following conditions:

- A. an increase in mortality, or
- B. an increase in serious irreversible illness, or
- C. serious incapacitating, but reversible illness, or
- D. substantial present or potential hazard to human health or the environment.

**TOWNSHIP:** The Township of Williamstown, Ingham County, Michigan.

**TOWNSHIP BOARD:** The Supervisor, Clerk, Treasurer, and Trustees of the Township of Williamstown, Ingham County, Michigan.

**TRAILER:** A vehicle with or without motive power, other than a pole trailer, designed for carrying property (including but not limited to boats, jet skis, snowmobiles and other property) or persons that is designed to be drawn by a motor vehicle, and is constructed so that no part of its weight rests upon the towing vehicle. **(revised 2/3/04)**

**TRANSITION ZONE:** A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

**TRUCK TERMINAL:** A structure to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

**TRUCK TRACTOR:** A motor vehicle designed and used primarily for drawing another vehicle. **(revised 2/3/04)**

**UNDERLYING ZONING:** The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel Planned Development.

**USABLE OPEN SPACE:** Open space is “usable” if it is accessible to a majority of residents of a development for recreation or leisure activities. Examples of usable open space include, but are not limited to, open fields and woodlands. Swamps or marshes would not generally be considered usable open space, except for those which are allowable within Section 25.03(l). **(revised 1/9/96)**

**USE:** The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

- A. **Use, Accessory:** See ACCESSORY USE, BUILDING, OR STRUCTURE.
- B. **Use, Permitted:** A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

- C. **Use, Principal:** The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.
- D. **Use, Special Land:** See SPECIAL LAND USE.

**UTILITY TRAILER:** A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

**VETERINARY HOSPITAL:** See CLINIC, VETERINARY.

**VARIANCE:** A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

**WALL OBSCURING:** A structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

**WAREHOUSE:** A building used primarily for storage of goods and materials. See also DISTRIBUTION CENTER.

**WETLAND:** 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.

**WETLAND, REGULATED:** A wetland regulated by the Michigan Department of Environmental Quality (MDEQ) 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:

- A. Contiguous to an inland lake or pond, or a river or stream;
- B. Not contiguous to an inland lake or pond, or a river or stream, and more than 5 acres in size;
- C. Not contiguous to an inland or pond, or river or stream; and 5 acres or less in size if the Michigan Department of Environmental Quality (MDEQ) 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.

**WHOLESALE SALES:** The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

**WIRELESS COMMUNICATION FACILITY.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. *(revised 6/3/97)*

**WIRELESS COMMUNICATION SUPPORT STRUCTURES.** Structures erected or modified to support wireless communication antennas, including but not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. *(revised 6/3/97)*

## ***Rules of Construction, Definitions***

**YARD:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The Minimum Required Setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance (see illustrations).

- A. **Yard, Front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. Unless otherwise specified, on corner lots and through lots there shall be maintained a front yard along each street frontage.
- B. **Yard, Rear:** An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- C. **Yard, Side:** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

**ZONING ADMINISTRATOR:** The Zoning Administrator is the person or persons designated by the Township Board to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, maintaining the minutes of the Planning Commission, sending notices of public hearings, and similar work. The duties of the Zoning Administrator may be filled by people holding other positions, such as the Building Official, Planning Commission Secretary, or Supervisor.

**YARD TERMS**

**YARD**