

Article II
DEFINITIONS

2.00.00 DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "*shall*" is always mandatory and not merely directory. Any word not herein defined shall be construed as in the State Construction Code of 1972 (1972 PA 230; MSA 5.2949(1) et SEQ MCLA 125.1501) and the Township Zoning Enabling Act (1943 PA 184; MSA 5.2963(1) et seq; MCLA 125.271) and the amendments thereto. Other terms, phrases, and words not herein defined shall have the meaning customarily assigned to them by general usage in the English language. A specific provision of this Ordinance may provide definitions specifically applicable to that section.

ABUTTING

A lot or parcel, which shares a common border with another lot, parcel or right of way.

ACCESSORY STRUCTURE

A structure erected on the same lot or site as the principal use building and intended to serve a purpose incidental to the principal use building, including but not limited to buildings, swimming pools, tennis courts, towers, driveways, parking areas, underground tanks, fences and satellite antennae.

ACCESSORY USE OR ACCESSORY BUILDING

A subordinate use or building customarily incident to and located on the same lot with the main use or building.

ADJACENT (lot or parcel)

A lot or parcel which abuts or is directly across a public street or private easement from another lot or parcel.

ALLEY

Any public space or thoroughfare twenty (20) feet or less in width, but not less than ten (10) feet in width, which has been dedicated or deeded to the public use and which affords secondary access to abutting property.

ALTERATION

A change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

APARTMENT

A dwelling unit within a building containing three (3) or more dwelling units,

APARTMENT HOUSE

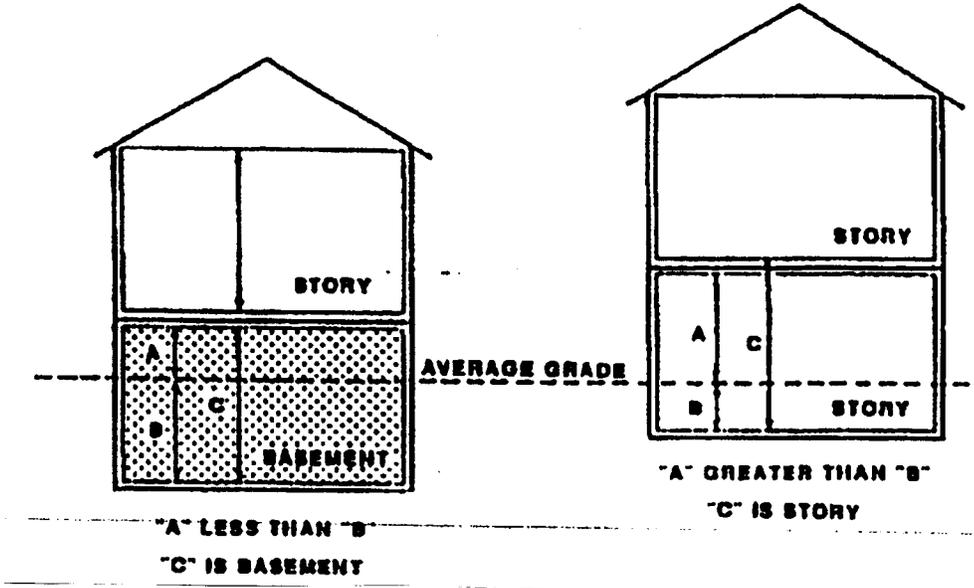
A multi-family dwelling for three or more families, living independently of each other as separate housekeeping units, with separate access and egress, and doing their cooking upon the premises.

AREA, BUILDING

The aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than 3 feet, steps, one-story open porches, bay windows, not extending through more than one story and not projecting more than 2 feet, balconies and terraces.

BASEMENT

A portion of a building which is partly or wholly below grade so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over 5 feet, such basement shall be rated as a first story.



BUILDING

A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, mobile homes, trailers, and other roofed structures on wheels or other supports, used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purposes of this definition "roof" shall include an awning or other similar covering, whether or not permanent in nature.

BUILDING HEIGHT See "Height, Building"

BUILDING LINE

The vertical plane beyond which no building or other structure or portion thereof may be erected, for setback purposes.

CESSPOOL

A cavity in the ground that receives waste to be partially absorbed directly or indirectly by the surrounding soil.

CONDITIONAL USE

See "Special Land Use"

COURT

An occupied open space, other than a yard, on the same lot with a building, which is bounded on two or more side by the walls of such building.

COURT, INNER

An occupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, OUTER

A court enclosed on not more than three sides by exterior walls, and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

CURTILAGE

The inclosed space of ground and buildings immediately surrounding a dwelling.

DETENTION FACILITY

Any prison, penitentiary, reformatory, House of Correction, jail, community residential center, institution, halfway house, regional correction/detention facility, treatment center, group home, training center or camp, etc. operated or leased by the Department of Corrections or Department of Social Services constructed and maintained under Act 274 of 1979 or other halfway houses, probationary camps, farms, shops, places of employment operated by or under the supervision of the Department of Corrections providing services to adult or juvenile criminal offenders. (See also Juvenile Detention/Correction Facility.)

DISTRICT

A portion of the unincorporated part of the Township within which certain regulations and requirements apply under the provision of this ordinance.

DWELLING

A building designed or used as the living quarters for one or more persons.

DWELLING HOUSE

A building designed for and occupied exclusively as the residence of not more than two families each living as an independent housekeeping unit.

DWELLING UNIT

One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and dining,

DWELLING, Multifamily

A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities.

ERECTED

Any physical operations on the premises required for the construction or placement and includes construction, building, reconstruction, alteration, excavation, fill, drainage, installation of utilities, etc.

EROSION

The collapse or subsidence of land along the shore of a lake or other body of water, including drains, creeks, streams and rivers, as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

ESSENTIAL SERVICE

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

FAMILY

Two or more persons doing their own cooking, and living upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, kinship, marriage or other legally recognized domestic bond. The term "*family*" does not include the transient assembly of persons unrelated by birth, kinship, marriage or other legally recognized domestic bond or for educational, medical, psychological, rehabilitative or punitive purposes.

FENCE

A partition, structure, or gate erected as a dividing marker, barrier, or enclosure.

FLEA MARKET

An enclosed shop or open market wherein two or more vendors sell new or used goods, antiques, curios, art objects, collectibles, or other merchandise.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other inland water, proximately caused by severe storms, hurricanes, tornadoes, or heavy rains.

FLOOR AREA, GROSS

The "gross floor area" shall be the sum of the horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures or enclosed porches.

GARAGE, PRIVATE

A building or part thereof accessory to a main building and providing for the storage of motor vehicles and in which no occupation or business for profit is carried on.

GARAGE, PUBLIC OR STORAGE

A building or part thereof (other than a private residential garage) for the storage of motor vehicles or boats or in which service, maintenance or repair activities may be performed.

GARAGE SALE

A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

GASOLINE SERVICE STATION

A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles or boats alone or together with the sale of minor accessories and/or the servicing of and minor repair of motor vehicles. A special land use permit is required.

GRADE

The highest ground elevation in contact with any portion of the basement or foundation of a dwelling.

HEIGHT, BUILDING

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the building.

HOME OCCUPATION

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

HOTEL

A building with general kitchen and dining facilities and containing rooms intended or designed to be used, rented or hired out to be occupied for sleeping purposes by guests.

INDUSTRY

The production, manufacture or fabrication of products with the intention of profit. The term also includes the ancillary repair, modification or alteration of products. The raising of farm products is exempted.

JUNK

Articles that have outlived their intended usefulness in their original form and are commonly discarded or gathered up to be converted into another product, either of the same or different kind.

JUNKYARD

An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, shredded or handled, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of unreasonable accumulation for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

LOADING SPACE

An off-street space on the same lot with a building, or contiguous to a group of buildings for unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOT

A parcel of land capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

LOT, CORNER

A lot at the point of intersection of and abutting on two or more intersecting streets. It is the land occupied or to be occupied by the corner building and its accessory buildings.

MOBILE, FACTORY BUILT OR PORTABLE HOME

As used herein the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own integral chassis and designed for permanent year-round living as a single family dwelling. Provided, however, that the term "mobile home" shall not include modular homes (which are transported to the placement site on independent frames and running gear), motor homes, campers, recreation vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

MOTEL

A series of attached, semi-detached or detached rental units containing bedroom and toilet facilities for temporary lodging for compensation.

NON-CONFORMING BUILDING

A building or portion thereof existing at the effective date of this ordinance, or amendments thereto, that does not conform to the use provisions of the ordinance.

NON-CONFORMING USE

A use of land, existing at the time of the enactment of this ordinance, which does not conform to the regulation of the district in which it is located.

NUISANCE

Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

OCCUPIED

Includes the use of a building or land for the purpose for which it was designed, arranged or intended.

OFF-STREET PARKING LOT

A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of automobiles.

PARKING SPACE

An area of not less than 180 square feet, net, exclusive of access or maneuvering area, or ramps, columns, etc., to be used exclusively as a temporary storage space for one private motor vehicle. Truck loading and unloading space shall not be included in such area.

PLAYGROUND

A parcel of land set aside for outdoor games or recreational purposes with no admission charge.

POND

A natural or man-made body of water without an encircling fabricated retainer.

PUBLIC SERVICE

Public service facilities (within the context of this ordinance) shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

PUBLIC UTILITY

Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

RAZING

To destroy, demolish, level to ground, etc.

RESIDENTIAL STRUCTURE

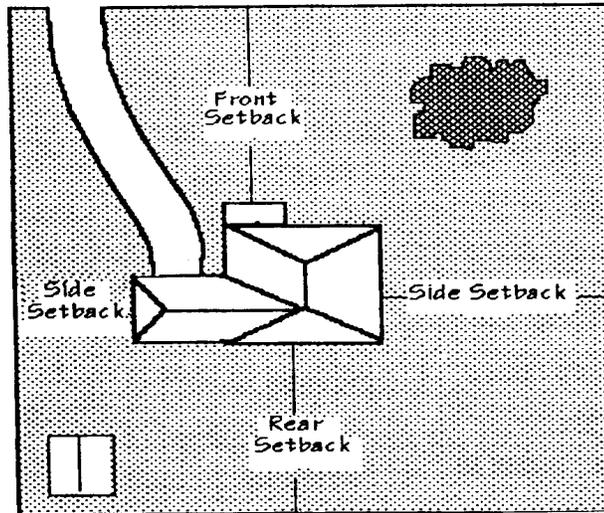
Any building, including a mobile home, occupied, intended to be occupied or constructed to be occupied as a dwelling unit for humans.

ROOMING HOUSE

Any dwelling in which more than two persons, either individually or as families, are housed or lodged for hire, with or without meals. A boarding house or furnished rooming house shall be deemed a "rooming house".

SETBACK

The distance required to establish front, side or rear yard open space.



SIGNS

Every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign. Signboards, billboards, etc. displaying 32 square feet or more shall be considered as accessory structures.

SPECIAL LAND USE

A Special Land Use (also known as "conditional use" or "special approval use") is a use conditionally permitted only after application to, and review by, the Planning Commission; review being necessary because the provisions of this ordinance cannot be made precise enough to all applications. It is reviewable by the Board of Zoning Appeals. These land uses cannot be conveniently allocated to one zone or another, or the effects of each individual use cannot be definitely foreseen.

The Special Land Use differs from the Variance in several respects. A special land use does not require "undue hardship" or "unusual circumstances" in order to be allowable.

Two Categories of Special Land Uses

- A. Though an area may be appropriately zoned, certain proposed uses may require review and authorization by the Planning Commission before such use may be undertaken. The general characteristics of these Special Land Uses may include one or more of the following:
- 1) They require large areas.
 - 2) They are infrequent activities.
 - 3) They sometimes create an unusual amount of traffic
 - 4) They are sometimes obnoxious or hazardous.
 - 5) They may affect public safety and convenience.
 - 6) They may not be compatible with existing developments in the area.
 - 7) They may not comply with the Performance Standards Schedule
- B. Other special land uses may be granted, conditionally, or without restriction, when it is determined by the appropriate agency that though literally defined as a more restricted use, the proposed use is not inconsistent with the uses in the immediate environment.

STREET

A public thoroughfare which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

STORAGE YARD

The use of open land, or land intended to be used, for the storing or keeping of cars, vehicles, boats, equipment, products or other personal property, whether or not it is adjacent to and part of a business or commercial use or industrial use, and whether or not a fee is charged for storage therein.

STRUCTURE

Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

SWIMMING POOL

A fabricated or artificially formed body of water retained within a manufactured or fabricated structure.

TEMPORARY BUILDING OR TEMPORARY USE

A structure or use permitted to exist during periods of construction of the main building or use, or for special events.

TOURIST HOME

Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

TRAILER COURT

Any plot of ground upon which more than two (2) manufactured trailer coaches, occupied for dwelling or sleeping purposes, are or may be located.

TRAILER COACH (MOTOR HOME)

Any vehicle designed, used or so constructed as to permit its being used as a conveyance upon the public street or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping space for one or more persons.

TRAVEL TRAILER

A vehicle designed as a travel unit for occupancy as a temporary or seasonable vacation living unit.

USE

The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

YARDS

The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance and as defined herein.

Front Yard - 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 main building.

Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Side Yard - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

VARIANCE

A modification of the literal interpretation of the zoning ordinance, granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. **THE CRUCIAL POINTS OF VARIANCE ARE UNDUE HARDSHIP AND UNIQUE CIRCUMSTANCES APPLIED TO PROPERTY. A VARIANCE IS NOT JUSTIFIED UNLESS ALL OF THESE ELEMENTS ARE PRESENT IN THE CASE. A VARIANCE MAY BE AUTHORIZED BY THE BOARD OF APPEALS, ONLY.**