

CHAPTER I DEFINITIONS

(ORD. 226; 6/8/78)
(ORD. 9-81; 9/21/81)
(ORD.15-83; 1/16/84)
(ORD. 1-84; 1/16/84)
(ORD. 4-85)
(ORD. 4-88; 1/3/89)
(ORD. 10-89; 9/5/89)
(ORD. 90-2; 3/19/90)
(ORD. 90-2; 5/21/90)
(ORD. 90-7; 6/18/90)
(ORD. 94-1; 3/21/94)
(ORD 22-05; 12/19/22)

(ORD. 94-3; 12/15/94)
(ORD. 95-2; 4/6/95)
(ORD. 96-5; 7/29/96)
(ORD. 96-10; 10/21/96)
(ORD. 96-11; 10/21/96)
(ORD. 97-3; 6/20/97)
(ORD. 00-06; 9/1/00)
(ORD. 04-03; 5/7/04)
(ORD. 06-01; 2/26/06)
(ORD. 08-01; 3/17/08)
(ORD. 09-01; 3/31/09)

(ORD. 09-03; 11/3/09)
(ORD. 10-05; 1/17/11)
(ORD. 11-03; 6/20/11)
(ORD. 12-02; 1/16/12)
(ORD. 16-01; 7/11/16)
(ORD. 17-01; 11/5/17)
(ORD. 18-05; 1/21/19)
(ORD. 21-02; 2/15/21)
(ORD. 22-01; 2/21/22)
(ORD. 23-01; 6/19/23)

ACCESSORY BUILDING. A subordinate building or structure on the same lot with a principal building or a portion of the principal building occupied or devoted to an accessory use. (Ord. 09-03; 11/3/09)

ACCESSORY USE. A use naturally and normally incidental, ancillary, and subordinate to the principal use on a lot. (Ord. 09-03; 11/3/09)

ADULT DAY CARE FACILITY. An establishment having as its principal function the receiving of one (1) or more persons 18 years of age or older for the provision of supervision, personal care, and protection for periods of less than twenty-four (24) hours a day, four or more days a week for two or more consecutive weeks excluding adults related by blood, marriage, or adoption. (Ord. No. 90-7; 6/18/90)

ADULT FOSTER CARE FACILITY. An establishment having as its principal function the receiving of persons eighteen (18) years of age or older for the provision of supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation, as licensed and regulated by the State under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. (Ord. No. 90-7; 6/18/90)

AGRICULTURE. For the purpose of this Ordinance, agriculture shall consist of the art of cultivating the soil, horticulture and animal husbandry. (Ord. No. 22-01; 2/21/22)

AGRICULTURAL LAND. All the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner or by his agent or by a tenant farmer, provided that the area thereof is sufficient to constitute actual farming; and for the purpose of this Ordinance, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; the word "agriculture," "farm", and "farming" shall be considered as synonymous.

AGRICULTURAL SERVICE ESTABLISHMENT. Agricultural service establishments engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to, centralized bulk collection, refinement, storage, and distribution of farm products to wholesale and retail markets (such as grain cleaning and selling;

sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and repair; veterinary services; and facilities used in the research and testing of farm products and techniques. (Ord. No. 4-88; 2/3/89)

AMBIENT SOUND LEVEL or AMBIENT NOISE. Means the totally encompassing sound in a given situation at a given time, and usually composed of sound from many sources, both near and far. (Ord. No. 09-01; 3/31/09)

ANEMOMETER (MET) TOWER. An anemometer tower or MET tower is a meteorological tower that contains instrumentation used to collect wind data, such as anemometers that measure wind speed. (Ord. No. 09-01; 3/31/09)

ANIMAL. Means any living species other than human, insect or plant not otherwise described. For purposes of this Zoning Ordinance the following classifications of animal shall apply:

(a) **DOMESTIC ANIMAL.** An animal that is not likely to bite without provocation nor cause death, maiming or illness of a human and which is usually kept as a pet including but not limited to the following animals: bird (caged), fish, rodent (bred), cat (domestic), lizard (non-venomous), snake (non-venomous), chinchilla (bred), ferret (bred), spider (non-poisonous or non-venomous), dog (domestic). A domestic animal is not a farm animal or a wild animal as defined herein.

(b) **FARM ANIMAL.** Livestock, including beef and dairy cattle, bison, goats, swine (of any size), horses, poultry, llamas, sheep, and other animals raised for commercial profit or consumption.

(c) **WILD ANIMAL.** Means any animal that is not a domestic animal or farm animal as defined herein. A wild animal includes, but is not limited to, lions, tigers, wolves, bears, coyotes, elephants, alligators, crocodiles, primates, snakes over three (3) feet in length, wild or exotic cats (such as, but not limited to, bobcat, cheetah, cougar, lynx, panther, mountain lion, or puma), wild pigs or boar, venomous snakes or venomous reptiles and native Michigan animals. (Ord. No. 21-01; 2/15/21)(Ord. No 22-05; 12/19/22)

ANIMAL HOSPITAL. An institution in which medical or surgical care is provided for other than human beings.

ANIMAL OWNER. Owner when applied to the proprietorship of an animal means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him. For the purposes of this ordinance, any person keeping or harboring any animal for seven consecutive days shall be deemed the owner thereof within the meaning of this ordinance. (Ord. No 22-05; 12/19/22)

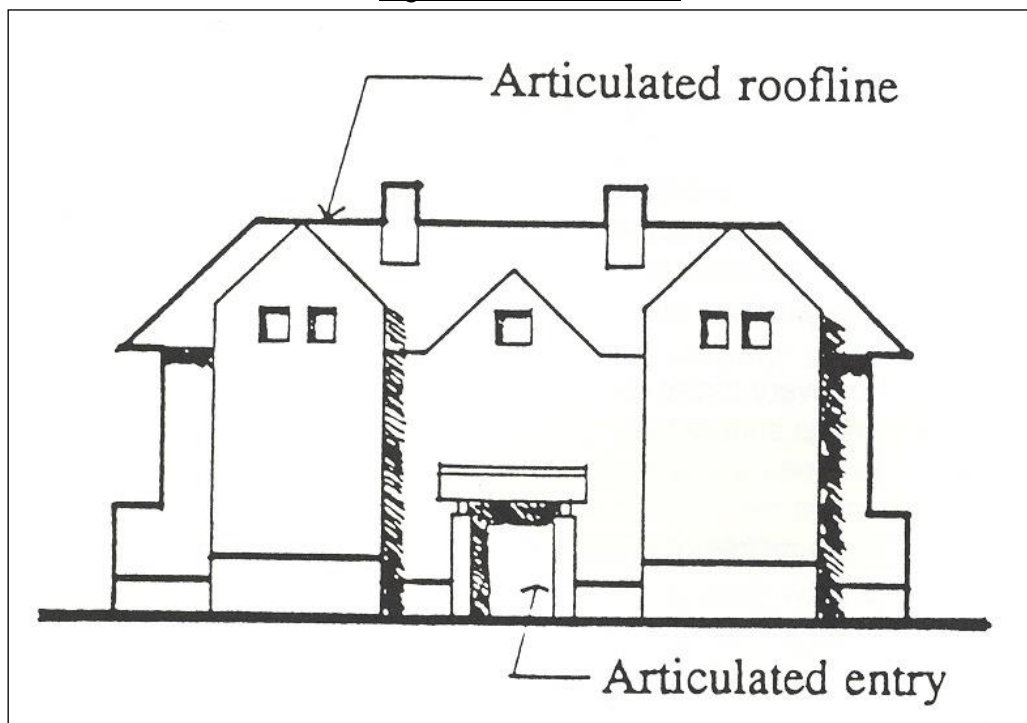
APARTMENT HOUSE. See "Dwelling, Multi-Family".

APPEARANCE TICKET. A complaint of written notice issued and subscribed by a public servant authorized by law to issue it, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his alleged commission of a designated violation or violations of state law or local ordinance, for which the maximum permissible penalty does not exceed ninety (90) days in jail and a fine of Five Hundred (\$500.00) Dollars. (Ord. 8-82)

ARCADE. A continuous passageway parallel to and open to a street, open space, or building and usually covered by a canopy or permanent roofing, and accessible and open to the public. See Figure I-3. (Ord. 04-03; 5/7/04)

ARTICULATED. Clear, distinct and precise in relation to other parts (i.e., an articulated shape.) See Figure I-1. (Ord. 04-03; 5/7/04)

Figure I-1: Articulations



ASSISTED LIVING. Housing for physically impaired, mentally impaired, senior or retired persons providing a special combination of residential housing, personalized supportive services and healthcare. (Ord. 06-01; 2/26/06)

BASEMENT. A floor or level of a building having one or more of its exterior walls located wholly or partially below finished grade, with grade being determined where the top of the ground rests against the building when construction is completed. (Ord. No. 1-84; 1/16/84)

BOARD. Whenever the word "Board" is used, it refers to the Board of Appeals, except where context is clearly otherwise.

BOARDING HOUSE. A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation, other than members of the family occupying such dwelling. (Ord. 16-01; 7/11/16)

BUILDING. Any structure having a roof.

BUILDING INSPECTOR. That individual appointed by the Township Board as the Building Inspector of Alpine Charter Township. (Ord. 8-82)

BUILDING-HEIGHT OF. The vertical distance from the grade plane to the top of the highest roof beams of a flat roof, or the mean level of the highest ridge, gable or hip of a sloped roof. (Ord. No. 96-5; 7-29-96) (Ord. 09-03; 11/3/09)

BULK STATION. A place where crude petroleum, gasoline, naphtha, benzol, kerosene, benzene, or any other liquid except such as will stand a test of 150 degrees Fahrenheit, closed-cup-tester, are stored for wholesale purposes where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

CAMP. "Camp" shall mean and include the temporary or permanent buildings, tents or other structures, together with the appurtenances appertaining thereto, established or maintained as living quarters for children or adults, or both, operated continuously for a period of five (5) days or more, for recreation, education or vacation purposes, on a commercial basis or for charity purposes. The term "camp" shall not be construed to include buildings, tents, or other structures maintained by the owner or occupant or premises used exclusively to house his farm labor.

CARPORIT. A building that provides space for the parking of motor vehicles that shall be open on at least two sides. (Ord. No. 09-03; 11/3/09)

CAST STONE. A hardened mix of concrete with a fine stone aggregate, having a surface ground, polished, or molded to simulate natural stone. (Ord. 04-03; 5/7/04)

CHILD DAY CARE FACILITY. A facility for the care of persons under 18 years of age, as licensed and regulated by the State under Act No. 166 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. (Ord. No. 90-7; 6/18/90)

COLUMN. A Slender vertical structural member, usually steel, concrete or wood, which supports roof or floor loads. Also a vertical decorative pillar, often of stone, with a cylindrical or polygonal shaft, having a capital and base. See Figure I-2. (Ord. 04-03; 5/7/04)

COMMERCIAL AGRICULTURE. The use of land and/or structures for the growing and/or production of farm products for income, including operations where fruits, vegetables or similar farm products are picked by and sold to the consumer, i.e. "u-pick operations." (Ord. No. 4-88; 1/3/89)

CONTINUING CARE RETIREMENT COMMUNITIES. Residential campuses providing housing for the elderly or retired at different levels of care including private units to assisted living and then skilled nursing care, or convalescent homes, all in one location. (Ord. 06-01; 2/26/06)

COPING. A finishing or protective cap or course to an exterior wall, usually sloped or curved to shed water. (Ord. 04-03; 5/7/04)

CORNICE. Any prominent projecting molded feature surmounting a wall, doorway or other construction. See Figure I-2. (Ord. 04-03; 5/7/04)

CUL-DE-SAC. A dead-end street which has been provided with a turn-around at the closed end.

CURB LEVEL. The mean level of the established curb in front of the building.

CUT-OFF PLANE. A horizontal plane around a light source above which light from the light source does not penetrate. (Ord. No. 00-06; 9/1/00)

CUT-OFF ANGLE. An angle measured upward from a vertical line. (Ord. No. 00-06; 9/1/00)

DOG KENNEL. Any place where more than three dogs over six months of age are housed or cared for and which is not an animal hospital.

DOMESTIC. Of or relating to the home, the household, household affairs, or the family. (Ord. 16-01; 7/11/16)

DORMER. A dormer is a window that is set vertically on a sloping roof. The dormer has its own roof, which may be flat, arched, or pointed. (Ord. 04-03; 5/7/04)

DRIVE-IN. A public eating place where food is prepared and served or sold for consumption other than solely within a building on the premises.

DWELLING OR APARTMENT. A building or a portion thereof designated or used exclusively as a residence or sleeping place for one or more persons, including one-family, two-family and multiple dwellings, apartment hotels with cooking facilities, boarding and lodging houses, and mobile homes used for such purposes, but not including motels, motor hotel, tourist rooms, travel trailers, motor homes, trailers or truck campers. All dwellings shall have a minimum width their entire length of twenty-two (22) feet and a minimum of a double pitched roof of not less than two and one half (2.5) feet of rise for each twelve (12) feet of run. All dwelling shall have a roof overhang of not less than six inches on all sides and shall have either a basement or a crawl space below the entire bottom of the building of four feet with a vapor barrier consisting of visqueen or a minimum of two (2) inches of concrete on the floor of the crawl space, and provided with adequate drains to drain away accumulated water in the crawl space. (Ord. No. 15-83; 1/16/84))

DWELLING, MULTI-FAMILY. A building containing three (3) or more dwelling units arranged either side by side or one above the other.

DWELLING, TWO-FAMILY. A building so erected that it can be occupied by two (2) families living separate and apart from each other and at least duplicating requirements of the "R-2" District.

DWELLING UNIT, FARM. A dwelling unit located on a farm which is restricted to use, or intended for use, by the farm's owner, operator, or person employed thereon. (Ord. No. 4-88; 1/3/89) (Ord. No. 22-01; 2/21/22)

DWELLING UNIT, SINGLE-FAMILY. A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units, which may be in the same structure and containing independent cooking, bathroom and sleeping facilities. Where Housing for Senior or Retired Persons is involved, in addition to the preceding sentence, a dwelling unit can include a room or rooms connected together consisting of a separate independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units, which either contain independent cooking, bathroom, and sleeping facilities or have available to it communal cooking and bathroom facilities. (Ord. 06-01; 2/26/06) (Ord. 16-01; 7/11/16)(Ord. No. 22-01; 2/21/22)

EARTH TONE. Any of various warm, muted colors ranging from neutral to deep brown. (Ord. 04-03; 5/7/04)

EASEMENT. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. (Ord. No. 90-2; 3/19/90)

HOMES FOR THE ELDERLY OR RETIRED. Housing for the purpose of providing shelter for elderly or retired persons including, but not limited to Independent Living, Assisted Living, Nursing Homes and Continuing Care Retirement Communities. (Ord. 06-01)

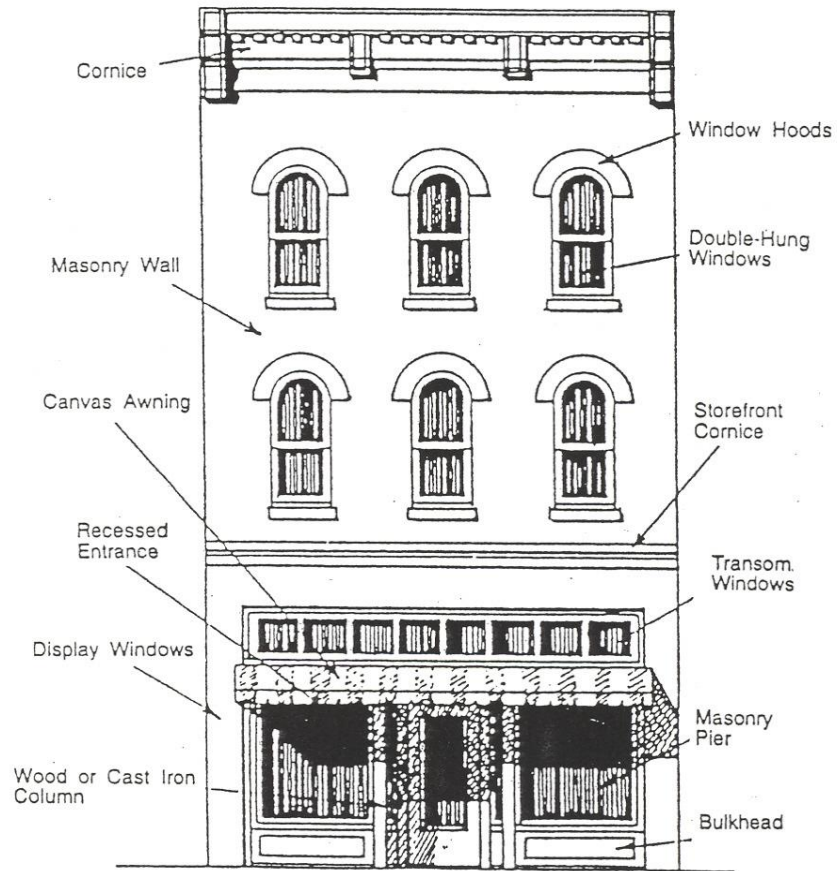
ESSENTIAL SERVICES. "Essential Services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electrical substations, telephone exchange buildings, gas regulation stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of utility services by such public utilities or municipal departments or commissions for the public health, safety, and general welfare.

EVENT CENTER. Event Center: Means a building, structure, or location which the primary use of the property is to host events; which involves frequently renting the building, structure, or location out for public or private activities; and which the building, structure, or location is not open to the public at any time other than when an event is scheduled.

A commercial farm that has special land use approval for an accessory use including but not limited to a bed and breakfast operation, wineries, rental of farm facilities for events or hosting events, and micro-breweries is not considered to be an event center as defined in the ordinance. The primary use of the property in such instances is a commercial farm operation.

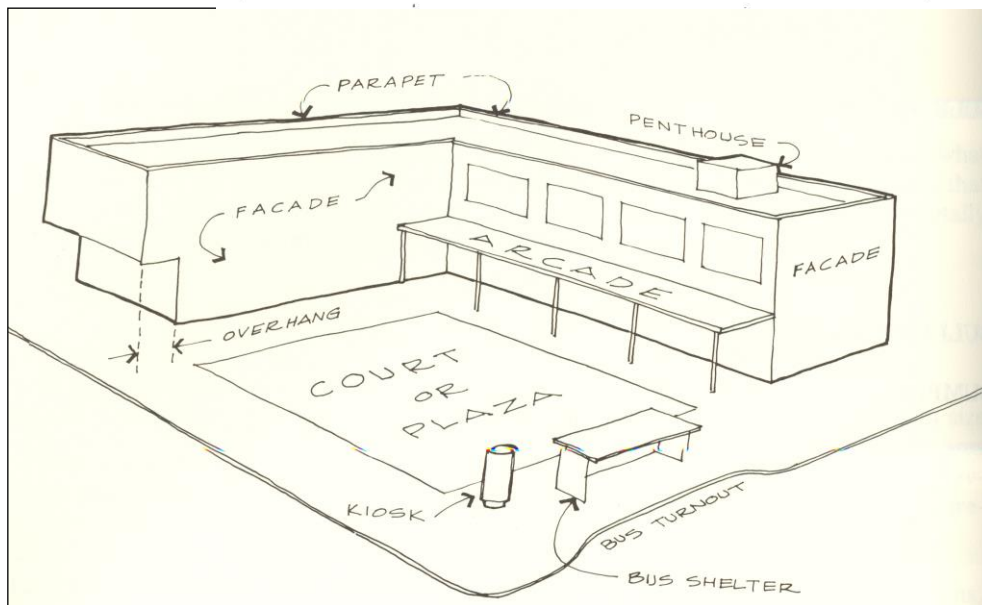
FAÇADE. The exterior walls of a building exposed to the public view or that wall viewed by persons not within the building. See Figures I-2 and I-3. (Ord. 04-03; 5/17/04)

Figure I-2: Facade



Traditional Facade

Figure I-3: Facade



FAMILY.

- (a) A person living alone or two or more persons related by blood, marriage, or adoption, including foster children and domestic servants of the principal occupants who are domiciled together as a single, domestic, nonprofit housekeeping unit in a single dwelling unit, or
- (b) The functional equivalent of a domestic family occupying a single dwelling unit (under one head of household) whose relationship is of a permanent non-transient and distinct domestic character and cooking and living together as a single and separate housekeeping unit. Without limitation, this definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, group of students or other group of persons whose domestic relationship is of a transitory, seasonal or commercial nature, or anticipated to be of a limited or temporary duration (such as a school term or a similar determinable period). This definition does not include state-licensed residential facilities having more than six individuals. (Ord. 16-01; 7/11/16)

FARM. A farm is a form of business enterprise in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of farm products, as described herein, for profit which provides a major source of income and capital for reinvestment. (Ord. No. 4-88; 1/3/89)

FARM BUILDINGS. Any building or accessory structure other than a dwelling unit of any kind; which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milkhouse. (Ord. No. 4-88; 1/3/89)(Ord. No. 22-01; 2/21/22)

FARM LABOR HOUSING. A tract of land, mobile homes, buildings, and other structures pertaining thereto which is established, occupied, or used as living quarters for migratory workers engaged in agricultural activities, including related food processing. (Ord. No. 4-88; 1/3/89)

FARM OPERATION. A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor. (Ord. No. 4-88; 1/3/89)

FARM PRODUCTS. Those plants and animals useful to human beings produced by agriculture 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; or any other product which incorporates the use of food, feed, fiber, fur or flora. Farm Products do not include marihuana as defined in this Ordinance. (Ord. No. 4-88; 1/3/89)(Ord. 17-01; 11/5/17)

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. (Ord. No. 96-10; 10/21/96)

FIXTURE: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control such as a reflector (mirror) or refractor (lens), the ballast, housing, and other attached parts. (Ord. No. 00-06; 9/1/00)

FLAG POLE. Any pole, or staff on which a flag is displayed or hung. (Ord. No. 95-2;4/6/95)

FLOOR AREA. The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor area with less than five feet vertical distance from the floor to finished ceiling, and basements. (Ord. No. 1-84; 1/16/84)

FLOOR AREA – GROSS. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes such as the outdoor sale of merchandise. (Ord. No. 94-1; 3/21/94)

FLOOR AREA – USABLE. For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable area for a building shall include the sum of the usable floor area for all floors. (Ord. No. 94-1; 3/21/94)

FREESTANDING WIND ENERGY SYSTEM (WES). A WES that is not mounted or attached to an existing structure or building. (Ord. No. 09-01; 3/31/09)

FRONTAGE. That side of a lot abutting on a street. (Ord. 04-03; 5/17/04)

GARAGE-PRIVATE. A detached accessory building or an attached portion of a principal building used primarily for the parking or storage of passenger motor vehicles. To qualify as private garage, the building shall have doors of sufficient size for passenger motor vehicles to enter and exit and the property shall have an unobstructed pathway that enables passenger motor vehicles to access the garage. (Ord. 09-03; 11/3/09) (Ord. 12-02; 1/16/12)

GARAGE-PUBLIC. A building, other than a private garage, used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GASOLINE SERVICE STATION. A structure or structures and space combined, used solely for either/or both the sale and installation in or upon motor boats or motor vehicles of the usual operating commodities such as gasoline, fuel oil, oil, grease, alcohol, water, batteries, tires, light bulbs, windshield wipers and other minor accessories, or services such as washing, wiping, cleaning and waxing, or repair of tires, lights, charging of batteries and tune-ups. No major repair or refinishing of motor boats or motor vehicles shall be permitted in gasoline filling stations.

GLARE. Light directly visible to a viewer's eye, either directly from a light source, reflected or refracted. (Ord. No. 00-06; 9/1/00)

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. (Ord. No. 09-03; 11/3/09)

GREENBELT. A natural or planted landscaped area consisting of trees, shrubs, bushes, and grasses designed to provide a visual and spatial buffer between land uses. (Ord. 10-89; 9/5/89)

GREENHOUSES, COMMERCIAL WHOLESALE.

A facility whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of flowers and other plants for subsequent sale to retail businesses which may or may not include office related support services.

HOME OCCUPATION. An activity carried out for remuneration by a resident conducted as an accessory use in the resident's dwelling unit. (Ord. No. 90-9; 6/18/90)

HOMES OR HOUSING FOR SENIOR OR RETIRED PERSONS. Housing for the purpose of providing shelter for senior or retired persons including, but not limited to Independent Living, Assisted Living, Nursing Homes and Continuing Care Retirement Communities. (Ord. No 06-01; 2/26/06)

HOSPITAL. An institution in which sick or injured human beings are given medical or surgical care.

HOTEL. A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singularly for hire, in which provision is not made for cooking in any individual apartment, and in which there are more than twenty (20) sleeping rooms, with or without a public dining room for the accommodation of guests and a general kitchen.

INDEPENDENT LIVING. Housing designed specifically for independent senior adults who want to enjoy a lifestyle filled with recreational, educational and social activities with other seniors. (Ord. 06-01; 2/26/06)

INDUSTRIAL BUILDING. Any building used for business or industry in an industrial zone.

INTERCONNECTED WIND ENERGY SYSTEM (WES). A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system. (Ord. No. 09-01; 3/31/09)

JUNK YARD. An open space where discarded or salvaged materials are either bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including housewrecking and structural steel materials and equipment and automobile wrecking.

LIGHT SOURCE. A light bulb or other source within a luminaire. (Ord. No. 00-06; 9/1/00)

LINTEL. A beam supporting the weight above a door or window opening. (Ord. 04-03; 5/17/04)

LOT. A parcel of land exclusive of any adjoining street or street right-of-way, separated from other parcels by legal description or by a subdivision of record or survey map recorded with the Register of Deeds, which parcel is or may be occupied by one main building or use and its accessories including the open spaces required by this Ordinance; the word "lot" shall include "plot" or "parcel".

Lot(s) shall also mean the same as Building Site(s) and is that portion(s) of a condominium project designed and intended for separate ownership and/or exclusive use, as described in the Master Deed. Lot may be further defined as:

(a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as required by this Ordinance; or

(b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as required by this Ordinance. (Ord. No. 90-2; 3/19/90)

A lease in excess of one year in the case of a Wind Energy System, Anemometer (MET) Tower, or wireless communication tower or facility will not result in the creation of a lot for Zoning Ordinance purposes. (Ord. No. 90-01; 3/31/09)

LOT AREA. The area contained within the lot lines or property boundary. (Ord. No. 10-89; 9/5/89)

LOT, CORNER. A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the centerline of the street is one hundred thirty-five degrees (135°) or less or a lot abutting upon a curved street or streets if tangents to the curve at the two (2) points where the lot lines meet the centerline curve form an interior angle of one hundred thirty-five degrees (135°) or less. (Ord. No. 10-89; 9/5/89)

LOT COVERAGE. The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls or hedges used as fences, or swimming pools.

LOT DEPTH. The distance between the front lot line and the rear lot line measured along the median between the side lot lines. (Ord. No. 10-89; 9/5/89)

LOT, DOUBLE FRONTAGE. Any lot, excluding a corner lot which fronts on two (2) streets which do not intersect. (Ord. No. 10-89; 9/5/89)

LOT - INTERIOR. A lot which has frontage on only one (1) street.

LOT LINES. The lines bounding any premises.

LOT LINE - FRONT. The lot line separating a lot from a street right-of-way, private road, or other thoroughfare. (Ord. No. 10-89; 9/5/89)

LOT LINE - REAR. The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregular shaped lot or parcel, an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. (Ord. No. 10-89; 9/5/89)

LOT LINE - SIDE. Any lot line other than a front or rear lot line. (Ord. No. 10-89; 9/5/89)

LOT - THROUGH. An interior lot having frontage on two (2) streets.

LOT WIDTH. The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required building setback line. (Ord. No. 10-89; 9/5/89)

MARIHUANA. The term shall have the meaning given to it in Section 7106 of the Michigan Public Health Code, Public Act 368 of 1978, as amended; as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008. (Ord. 10-05; 1/17/11)

MARIHUANA FACILITY. The term shall have the same meaning as that term is used in the Medical Marihuana Facilities Licensing Act, Act No. 281 of 2016, as amended. (Ord. 17-01; 11/5/17)

MARIHUANA ESTABLISHMENT. The term shall have the same meaning as that term is used in the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018, as amended. (Ord. 18-05; 1/21/18)

MOBILE HOME. A structure which is designed and constructed in such a manner that it is or may be mounted on wheels and moved on the street or highway, propelled or driven by its own or other motive power, and shall include such dwelling units before November 6, 1974, built according to A.N.S.I. standards, November 6, 1974 through June 15, 1976, designated as mobile homes by the Bureau of Construction Code, Department of Labor, State of Michigan, and from June 15, 1976, mobile homes as designated by the H.U.D. of the Federal Government, through its approved agencies and includes those structures as defined by Act No. 419 of Michigan Public Acts of 1976 as amended. (Ord. No. 9-81; 9/21/81) (Ord. No. 15-83; 1/16/84)

MOBILE HOME PARK. Any parcel or tract of land used for the purposes of supplying the location or accommodation for mobile homes and accessory uses and shall include all buildings used or intended to be used as part thereof, but not including mobile homes sales lots upon which unoccupied units are parked for the purpose of inspection and sale to be moved from the site and includes that which is so defined by Act No. 419 of Michigan Public Acts of 1976 as amended. (Ord. No. 9-81; 9/21/81) (Ord. No. 15-83; 1/16/84)

MOTEL. Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as motels, motor courts or cabins, and as distinguished from furnished rooms in an existing residential building.

MOTOR HOTEL. A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals in which, as a rule, the rooms are occupied singularly for hire in which provision is not made for cooking in any individual apartment, but there is a general kitchen, and in which there are more than twenty (20) sleeping rooms, with or without a public dining room, for the accommodation of transient tourist trade.

MOTOR VEHICLE SALES - NEW. An authorized dealership primarily for the sale of new motor vehicles subject to licensing, but as an incidental use may include the sale of used motor vehicles which are subject to licensing and truck campers attached to trucks prior to delivery to the dealership. Said dealership shall have complete facilities housed in a building on the premises for the display of new motor vehicles, for the service, repair and restoration of new and used motor vehicles and for the sale of new accessories.

MOTOR VEHICLE SALES - USED. An authorized dealership for the sale of used vehicles with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

MULLION. A vertical member between the lights of a window. (Ord. 04-03; 5/17/04)

MULTI-FAMILY COMPLEX. More than one multi-family building or one two-family dwelling placed upon one parcel of property. (Ord. No. 226, 6/6/78).

NACELLE. In a WES, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components. (Ord. No 09-01; 3/31/09)

NONCONFORMING STRUCTURE. A structure lawfully existing at the time of adoption of this Ordinance, or any amendment thereto and which does not conform to the regulations of the district in which it is located.

NONCONFORMING USES. The use of a building, structure, lot or parcel of land lawfully existing at the adoption of this Ordinance, or any amendment thereto, which does not conform to the regulations of the district in which it is located.

NURSING HOMES. Skilled nursing facilities designed for seniors, or persons who are physically or mentally impaired who are in need of 24-hour nursing care. (Ord. 06-01; 2/26/06)

ON-SITE USE WIND ENERGY SYSTEM (WES). It is an accessory use that *primarily* serve the energy needs of the consumer on the lot or parcel where the WES is located. It may or may not be connected to the local electrical power utility system to sell or provide electricity in excess of what is needed on-site.

OUTDOOR EATING AREA. An area adjacent to and part of a permitted eating and drinking establishment which is outdoors but may partially be enclosed by a roof or walls.

OUTDOOR LIGHT FIXTURES. Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for (Ord. No. 00-06; 9/1/00):

- (a) Buildings and structures, including canopies and overhangs
- (b) Recreational areas
- (c) Parking lot lighting
- (d) Landscape lighting
- (e) Billboards and signs
- (f) Street lighting
- (g) Display and service areas

PARAPET. The extension of the main walls of a building above the roof level. See Figure I-3. (Ord. 04-03; 5/17/04)

PARKING LOT LIGHT POLES. Vertical structural supports upon which an outdoor light fixture is attached for the purposes of illuminating a driveway, parking, loading, or sidewalk area. (Ord. No. 00-06; 9/1/00)

PIER. A short, below-ground column, usually concrete, which transfers the load of a structural column to a footing. (Ord. 04-03; 5/17/04)

PILASTER. A rectangular projection from a wall, used to strengthen the wall. Also a decorative wall feature with a capital, shaft and base, which simulates a column. (Ord. 04-03; 5/17/04)

PLACE. An open unoccupied space dedicated to purposes of access for abutting property.

PLAYHOUSE. A building that is intended for use by children and has entryway(s) not greater than two feet in width. (Ord. No. 09-03; 11/3/09)

PORCH, ENCLOSED. A covered entrance to a building or structure which is totally enclosed and projects out from the wall of said building or structure and has a separate roof or integral roof with the principal building or structure to which it is attached. (Ord. No. 90-2; 5/21/90)

PORCH, UNENCLOSED. A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof and projects out from the wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. (Ord. No. 90-2; 5/21/90)

PORTICO. A porch having a roof supported by columns, often leading to the entrance of a building. (Ord. 04-03; 5/7/04).

PRIMARY COLOR. A color, as red, yellow or blue, that in mixture leads to other colors. (Ord. 04-03; 5/7/04)

PRINCIPAL BUILDING: The primary or predominant building on a lot. (Ord. 09-03; 11/3/09)

PRINCIPAL USE. The primary or predominant use of the premises.

PRIVATE ROAD. A roadway contained within a private road easement which is privately owned and maintained and which provides the principal means of access to one or more abutting lots. (Ord. No. 90-2; 3/19/90)

PRIVATE ROAD EASEMENT. An easement which is granted exclusively for private access to one or more parcels of land and which contains a private road. (Ord. No. 90-2; 3/19/90)

RESTAURANT. A public eating place where food is prepared and served or sold for consumption solely within a building on the premises and which as an incidental part of said principal business may permit food to be taken from the premises for consumption. Property owned, leased, or in which an owner of a restaurant has an interest shall be considered as restaurant premises if used in the operation of such business.

RETAINING WALL. A wall designed to provide lateral support to higher ground at a change of grade. (Ord. No. 08-01; 3/17/08)

SCHOOL. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. (Ord. No. 96-11; 10/21/96)

SCHOOL, PUBLIC. Any building or group of buildings the use of which meets State of Michigan requirements for elementary, secondary, or higher education and which is funded primarily by the State of Michigan and local school boards. (Ord. No. 96-11; 10/21/96)

SCHOOL, PRIVATE. Any building or group of buildings the use of which meets State of Michigan requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency or school board. (Ord. No. 96-11; 10/21/96)

SEPARATE OWNERSHIP. A lot of record owned at the effective date of this Ordinance by persons having no such legal property rights in adjacent premises, that such adjacent premises can be used with said separately owned lot for building purposes.

SETBACK. The minimum unoccupied horizontal distance between the lot line and the wall of the principal or accessory building. (Ord. No. 90-2; 5/21/90)

SEXUALLY ORIENTED BUSINESSES. See Chapter 21 for definitions. (Ord. 11-03; 6/20/11)

SHADOW FLICKER. Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings. (Ord. No. 09-01; 3/31/09)

SHIELDED OR FULL CUT-OFF FIXTURES. Fixtures that are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected only below a horizontal plane running through the lowest point on the fixture where light is emitted. (Ord. No. 00-06; 9/1/00)

SIGNS. See Chapter 20 for definitions. (Ord. No. 08-01; 3/17/08)

STABLE. A structure, building or land used for the keeping, care and raising of horses. (Ord. No. 6-88; 1/3/89)

- (a) STABLE - COMMERCIAL - Any lot or parcel where horses are kept for training, riding, stabling or breeding for compensation.
- (b) STABLE - PRIVATE - Any lot or parcel where horses are kept and used solely by the owner or owners of the lot or parcel with no commercial activities involved.

STATE-LICENSED RESIDENTIAL FACILITY. Means a structure constructed for residential purposes that is licensed by the State of Michigan pursuant to the Adult Foster Care Facility Licensing Act (Public Act 218 of 1979, as amended), or the Child Care Organizations Act (Public Act 116 of 1973, as amended) that provides resident services for persons under 24-hour supervision or care for persons in need of that supervision or care. (Ord. 16-01; 7/11/16)

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. (Ord. 09-03; 11/3/09)

STREET. Any public thoroughfare dedicated for the purpose of traffic circulation and principle means of access to abutting property including any avenue, place, way, drive, boulevard, highway, road, or other thoroughfare except an alley. (Ord. No. 90-2; 3/19/90)

STREET RIGHT-OF-WAY. A general term denoting land, property, or a property interest, usually in a strip, acquired for or devoted to transportation purposes which has been dedicated for public use. (Ord. No. 90-2; 3/19/90)

STRUCTURE. Anything constructed, erected, or to be moved to or from any premises which requires permanent location above, on, or below the ground or attachment to something having location, including commercial advertising signs.

STRUCTURE - ALTERATIONS. Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

STRUCTURE-MOUNTED WIND ENERGY SYSTEM (WES). A WES mounted or attached to an existing structure or building. (Ord. No. 09-01; 3/31/09)

THEATER - INDOOR. An indoor theater shall be any building used for the presentation of dramatic spectacles, shows, movies, or other entertainment which building has a roof completely sheltering actors and patrons, open to the public, with or without charge.

THEATER - OUTDOOR. An outdoor theater shall be any place other than an Indoor Theater used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public with or without charge, including drive-in theaters.

THREE SEASON ROOM. A room which is part of the principal dwelling unit but which lacks one or more of the basic amenities or utilities required for all-year or all-weather occupancy. (Ord. No.94-3; 12/15/94)

UTILITY GRID WIND ENERGY SYSTEM (WES). One or more WES placed upon a lot or parcel whose purpose is to sell or provide electricity to a site or location other than the premises upon which the WES are located. A Utility Grid WES is designed and constructed to provide electricity to the local electrical power utility system and may or may not be owned by the owner of the lot or parcel upon which the WES is placed. (Ord. No. 09-01; 3/31/09)

WIND ENERGY SYSTEM (WES). Shall mean any combination of the following:

- (i) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a shaft;
- (ii) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical power;
- (iii) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- (iv) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- (v) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- (vi) A windmill traditionally used to pump water or grind grain shall not be considered a Wind Energy System. This does not include wiring to connect the WES to the electric utility grid. (Ord. No. 09-01; 3/31/09)

WIND ENERGY SYSTEM (WES) HEIGHT. The distance from the ground at normal grade and the highest point of the WES; which is the tip of a rotor blade when the blade is in full vertical position. The height of a Structure-Mounted WES is also measured from the ground at normal grade. (Ord. No. 09-01; 3/31/09)

WIND ENERGY SYSTEM (WES) SETBACK. The distance from the base of the tower or structure upon which the WES is mounted to the nearest property line. (Ord. No. 09-01; 3/31/09)

YARD. An open space, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance.

YARD - FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the nearest wall of the building. (Ord. No. 90-2; 5/21/90)

YARD - REAR. A space unoccupied, except for an accessory building, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest wall of the building. (Ord. No. 90-2; 5/21/90)

YARD - SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest wall of the building. (Ord. No. 90-2; 5/21/90)