

## ARTICLE 5 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

### SECTION 500 CONSTRUCTION

The following rules of construction apply to this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory. The word "may" is permissive and discretionary.
4. When not inconsistent with the context, words used in the present tense shall include the future tense; and words used in the singular number shall include the plural, and the plural the singular.
5. The word "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, an unincorporated association, an occupier of land or any other entity having the capacity to own real estate.
8. 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", "either . . . or" the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - b. "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
9. Terms not herein specifically defined shall have the meaning customarily assigned to them.

### SECTION 501 DEFINITIONS

**ACCESSORY BUILDING/STRUCTURE:** A detached building/structure clearly incidental and subordinate to a principal building/structure.

**ACCESSORY USE:** A use clearly incidental to the primary use of a lot or building/structure including, but not limited to: residential accommodations for servants and/or caretakers; swimming pools for the use of the occupants of a residence or their guests; residential or agricultural storage in a barn or shed or similar building; storage of goods used normally in the operation of business or industrial activity unless such storage is excluded in the applicable district regulations.

**ACCESSORY SIGNS:** Signs which identify, describe, illustrate or are used to direct attention to a use or activity on the site, which is permitted, as either a "Principal Use" or a "Use Authorized After Special Approval" in a zoned district.

**NON- ACCESSORY SIGNS:** Signs which identify, describe, illustrate or are used to direct attention to a use or activity which occurs or exists at a location other than the site where the sign is placed

**ACREAGE:** Any tract or parcel of land which has not been subdivided or platted.

**ADDITION:** An extension or increase in floor area or height of a building or structure.

**ADULT:** A person having arrived at the legal age of adulthood as defined by the laws of the State of Michigan.

**ADULT ENTERTAINMENT BUSINESS:** Businesses including but not limited to: Adult Book Stores, Adult Motion Picture Theaters, Adult Mini-Motion Picture/Video Theaters, Adult Model Studios, Adult Motels, Adult Motion Picture Arcades, or Adult Personal Service Establishments. Adult Entertainment Business within Port Austin Township is regulated and further described by **ADULT ENTERTAINMENT BUSINESS ORDINANCE: ORDINANCE #133**

**AGRICULTURAL EQUIPMENT SALES AND SERVICE:** An establishment for the repair or sale of equipment or machinery directly associated with the operation of a farm.

**AGRICULTURAL STORAGE FACILITIES:** A building or structure or part of a building or structure used for the storage of agricultural products to be later sold or distributed for the use by other than the person producing the products. This definition shall include commercial grain elevator facilities but shall not include on-site storage facilities for individual farming operations.

**ALLEY:** Any dedicated public way other than a street affording a secondary means of access to abutting property and not intended for general traffic circulation.

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

**ANIMAL FEED LOT:** Facilities wherein concentrated numbers of fowl or animals are raised in confinement primarily for slaughter. (*see related term CAFO Article 5 -page 3*)

**APARTMENT:** A room or suite of rooms arranged and intended as a dwelling unit for a single-family or a group of individuals living together as a single housekeeping unit.

**APARTMENT BUILDING:** A building having three or more attached single dwelling units, with a yard, compound, service, or utilities in common; used and/or arranged for rental occupancy, or cooperatively owned by its occupants.

**ARCADE:** Arcade shall mean a place of business or establishment whose principal activity is providing six (6) or more mechanical or electronic amusement devices to the public for a fee. The amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score.

**ARCHITECTURAL FEATURES:** Features of a building including cornices, eaves, gutters, belt courses, sills, lintels, chimneys and decorative ornaments.

**AS-BUILT SURVEY:** A survey plan of a lot, parcel of land, or combination thereof, prepared by a Michigan Licensed Professional Land Surveyor showing the horizontal and vertical "as-built" measurements and locations of the constructed above ground buildings and structures; and underground utility lines, structures and infrastructure facilities. Such facilities include, but are not limited to: Cable TV, Gas, Electrical and Telephone utility lines; Potable water lines; Sanitary sewer lines; Storm water and drainage lines; Culverts; and ancillary appurtenances such as fire hydrants, gate valves, manholes, catch basins, wireless transmitters, detention/retention basins, etc.

**AUTO REPAIR STATION:** A structure or use where the following services are performed: general repair; rebuilding or reconditioning of motor vehicles and/or engines; collision service of motor vehicles, such as body, frame, or fender straightening and repair; or overall painting and undercoating of motor vehicles.

**BASEMENT:** That portion of a building which is partly or wholly below grade and having the vertical distance from the average grade to the floor greater than the vertical distance from the average grade to the ceiling.

**BED AND BREAKFAST OPERATION:** A use which is subordinate to the principal use of a single family dwelling and a use in which transient guests are provided a sleeping room and breakfast in return for payment.

**BLOCK:** The property abutting one side of a street and lying between the nearest intersecting street (crossing or terminating) and another street or a railroad right-of-way, un-subdivided acreage, lake, river or live stream, any other barrier to the continuity of development, or Township boundary line or between any of the foregoing.

**BOARDING HOUSE:** A dwelling where meals or lodging and meals are provided for compensation and where one or more rooms are occupied by persons by pre-arranged definite time periods of not less than one month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

**BUILDING:** Any structure, either temporary or permanent having a roof supported by columns or walls, and used or built for the shelter or enclosure of persons, animals, or property of any kind.

**BUILDING HEIGHT:** The vertical distance measured from the established finished grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on a terrace, the height shall be measured from the average finished ground level of the terrace at the building wall.<sup>1</sup>

**BUILDING FRONT LINE:** A line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps, or the cantilevered projection of an interior portion of the building, such as a bay window, where such projection is not on the building foundation and where such projection does not exceed thirty (30) inches from the outside face of the building. Said line shall be parallel to the front lot line and measured as a straight line between the intersection points with the side yard. For the purposes of this amended Ordinance, the front building line shall be the front setback line.<sup>1</sup>

**BUILDING SITE:** A lot, or a two dimensional condominium unit of land (i.e., envelope, footprint) with or without limited common elements designed for construction of a principal structure or a series of principal structures plus accessory buildings. All building sites shall have access to public or private roads or streets.

**BULK STATIONS:** A place where flammable liquids or motor oils are stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

**CAFO:** Concentrated animal feeding operation. The U.S. EPA has established levels of animal populations and some regulatory guidelines for each.

**CAMPGROUND:** A parcel or tract of land where 5 (five) or more sites are offered for the establishment of temporary living quarters for recreational units or tents.

**CAR WASH:** An establishment being housed in a building or portion thereof, together with the necessary mechanical equipment used for washing motor vehicles.

**CHILD CARE CENTER:** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The term also includes

<sup>1</sup>see Appendix of Illustrations

any facility referred to as day care center, day nursery, nursery school, drop-in center, and parent cooperative preschool. A child care center does not include a Sunday school, vacation Bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period or not greater than 8 hours per day for a period not-to-exceed 4 weeks during a 12 month period.

**CHURCH:**

1. A building used primarily for public worship of any recognized religion. The building may also house church sponsored accessory uses, including but not limited to: retail sales, schools, hospitals, adult foster services; homeless care/ shelters, or food distribution centers; however, any accessory use must conform to all zoning regulations applicable to that accessory use as though it were a primary use.
2. A group of people having most if not all of the following: a distinct legal existence and religious history; a recognized creed and form of worship; established places of worship; a regular congregation and regular religious services together with an organization of ordained ministers.

**CLINIC:** A building where human patients or animals are admitted for examination and treatment by a group of physicians, dentists, veterinarians, or similar professionals.

**CLUB:** A nonprofit organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like.

**COLLECTOR STREET:** A street which provides both land access and traffic movement in the local district; service road.

**COMMERCIAL USE:** The use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services; the maintenance of offices; recreation or amusement enterprises; or, garage and basement sales conducted on residential premises for more than three (3) calendar days during a given one (1) year period.

**COMMON LAND:** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development, condominium, or subdivision.

**COMMUNICATION TOWERS/WIRELESS COMMUNICATION FACILITIES:** shall mean and include 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 buildings, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, amateur radio facilities, satellite dishes, and governmental facilities subject to state or federal law or regulations that may preempt municipal regulator authority.

1. *Attached Wireless Communications Facilities* shall mean 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 shall not be included within this sub-definition.
2. *Wireless Communication Support Structures* shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be 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.
3. Colocation shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the county.

**CONDOMINIUM:** Individual ownership of a unit in a multi-unit building or development; said development is approved under Public Act 59 of 1978, as amended, and this Zoning Ordinance.

**CONDOMINIUM SUBDIVISION:** A condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Subdivision Control Act (Public Act 288 of 1967, as amended).

**CONDOMINIUM SUBDIVISION PLAN:** A plan illustrating the site (of development), survey, and utility plans; floor plans and sections, as appropriate (if buildings are proposed), showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

**CONDOMINIUM UNIT:** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, business, industrial, recreational, or any other type of use approved by the Michigan Department of Commerce.

**CONVALESCENT OR NURSING HOME:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

**COUNTY:** The County of Huron, Michigan.

**DEVELOPMENT:** A man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DISTRICT:** A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**DRIVE-IN:** A business establishment developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles in order to serve patrons while in a motor vehicle as well as within a building or structure.

**DWELLING UNIT:** A building or portion thereof, designed exclusively for occupancy for residential purposes.

**DWELLING, SINGLE FAMILY:** A building or portion thereof, containing not more than one dwelling unit.

**DWELLING, TWO FAMILY:** A building or portion thereof, containing not more than two separate and independent dwelling units.

**DWELLING, MULTIPLE FAMILY:** A building or portion thereof, containing three or more separate and independent dwelling units.

**EASEMENT:** A grant of one or more property rights by the property owner to and or for the use by the public, a corporation, or another person or entity.

**ENVIRONMENTAL AREA:** An area determined by the Michigan Department of Natural Resources and or the Michigan Department of Environmental Quality to be necessary for the preservation and maintenance of wildlife, water, soil, open space, and or forest resources.

**ERECTED:** Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which are required for construction, excavation, fill, drainage and the like.

**ESSENTIAL SERVICES :** Public utilities and all the infrastructure necessary to provide water, sewer, electricity, natural gas, communications or other public services for the public health, safety and/or general welfare.

**ESTABLISHMENT:** Any business or enterprise that utilizes a building, structure, premise, parcel, place, or area.

**EXCAVATION:** Any breaking of ground, except common household gardening and ground cultivation for agricultural purposes.

**FAMILY:** One or more persons related by bonds of marriage, blood or legal adoption occupying a dwelling unit as a single non-profit housekeeping unit, plus no more than two (2) additional persons such as "roomers" or "boarders" *or* a collective body of persons living together in one house under one head, as a single housing keeping unit, whose relationship is of a permanent and distinct domestic character based upon birth, marriage, or other domestic bond. This definition shall not include a federation, group, coterie or organization; nor shall it include a group of individuals whose association is temporary in character or nature. A body of persons meeting this definition is also distinguished from a group occupying a hotel, club, boarding house, rooming house, fraternity, sorority house or group foster care facility.

**FAMILY DAY CARE CENTER:** A private home in which 6 or fewer people are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. Day care centers include homes that give care to unrelated people for more than 4 weeks during a calendar year.

**FARM:** All of the contiguous or associated land operated as a single unit on which bona fide agricultural activity is carried on .

**FARMING:** The carrying on of any agricultural activity including the cultivation and production of plants and animals useful to humans for food or income.

**FENCE:** A freestanding structure erected to enclose an area and act as a barrier commonly having posts and made of wood, plastic and/or wire.

**FLOOR AREA:** The sum of the horizontal areas of all floors of a building measured from the interior faces of the exterior walls. For residential dwelling units, the floor area measurement shall not include areas of basements, unfinished attics, attached garages, breezeways, unenclosed porches, enclosed porches, or utility rooms. For commercial uses, the floor area measurement shall not include areas used or intended to be used principally for storage, processing, hallways, utilities, or sanitary facilities.

**GARAGE, PRIVATE:** An accessory building or portion of a main building designed or used exclusively for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**GARAGE SERVICE:** A structure or use for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

**GASOLINE SERVICE STATION:** A structure or use for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and service for motor vehicles, and also including auto repair services.

**GASOLINE SERVICE CONVENIENCE CENTER:** A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and a full fast food restaurant incorporated into the primary structure, but not including any automotive service repair.

**GOLF COURSE:** An improved recreational area, public or private, including any landscaped area designed for playing golf, but not including miniature golf.

**GRADE:** The highest point of the ground contacting any portion of the basement or foundation of a building.

**GREENHOUSE:** A structure or use, or combination thereof, for the storage or propagation of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping, but not including a structure or use for the sale of fruits, vegetables or Christmas trees.

**GROUP DAY CARE HOME:** A private home in which seven (7) but not more than twelve (12) people are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. This definition includes a home that gives care to an unrelated person for more than four (4) weeks in a calendar year. A state registered family day care home shall be considered a residential use of property and a principal permitted use in all residential districts.

**HIGH-RISK AREA:** An area of the shore land which is determined by the Water Resource Commission on the basis of studies and surveys to be subject to erosion.

**HEALTH CARE FACILITY:** A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, or chronic disease hospital.

**HOME OCCUPATION:** Any use customarily conducted entirely within a dwelling or an accessory building and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises. A use clearly incidental and secondary to the use of the dwelling for dwelling purposes that does not change the character of a residential neighborhood nor endanger the health, safety or welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, that may result from such occupation, professions or hobby. Provided, further that no article or service may be sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. No home occupation may generate other than normal residential traffic either in amount or type, nor occupy a floor area greater than twenty-five (25) percent of the ground floor area of the principal dwelling. One (1) non-illuminated nameplate, not more than two (2) square feet in area, is permitted which shall be attached to the building and which contains only the name and occupation of the resident of the premises. Group day care centers, tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, medical offices and clinics, auto repair, among others, shall not be deemed home occupations.

**HOMELESS SHELTER:** A temporary residence of desperation for homeless people which seeks to protect a vulnerable population from the often devastating effects of homelessness while simultaneously reducing the environmental impact on the community. A place where a homeless person may get a roof over his/her head. A facility providing shelter and sleeping facilities for people who have no housing or permanent residence. A residential care facility. Not a half-way house or a facility housing persons released from or assigned to correctional institutions.

**HOSPITAL:** An institution for the diagnosis, treatment and/or care of sick or injured people. The term "hospital" shall include sanatorium, rest home, but not nursing home or convalescent home.

**HOTEL:** A building or part of a building, with a common entrance or entrances, in which dwelling or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms as accessory uses.

**IMPROVEMENT:**

1. A feature or action associated with a project which is considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of a project or project area, including, but not limited to, roadways, lighting, utilities, sidewalks, screening, and drainage. Improvement does not include the entire project.
2. an alteration or permanent attachment to real estate such as a structure – septic system – well – paved driveway – field tile etc.

**JUNK:** Any motor vehicle, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**JUNK YARD:** An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

**KENNEL:** Any lot or premises on which three (3) or more dogs and/or other domesticated animals six (6) or more months old, are kept either permanently or temporarily boarded.

**LIVESTOCK:** Domestic animals such as cattle, bison, horses, sheep, hogs, chickens, geese or goats, but does not include ordinary household pets such as cats and dogs.

**LOADING SPACE:** An off-street space on the same lot with a building or group of buildings used for temporary parking of commercial vehicles while loading and unloading merchandise. Such space must have direct and unobstructed access to a street or alley.

**LOT:** A parcel of land occupied or intended for occupancy by a structure together with its accessory structures and the open spaces, parking spaces and loading spaces required by this Ordinance. A lot may or may not be specifically designated as such on public records.

**LOT AREA:** The total horizontal area included within lot lines. Where the front lot line lies in a street, the lot area shall not include that part of the lot in use or to be used as the street.

**LOT, CORNER:** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of one hundred thirty five (135) degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. 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.<sup>1</sup>

**LOT COVERAGE:** The part or percent of the lot occupied by any structure.

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

**LOT, DOUBLE FRONTAGE:** An interior lot lying between two parallel streets and thereby having frontage on both.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINES:** The lines bounding a lot as defined herein:

1. **Front Lot Line:** That side of the lot abutting a public or private street right-of-way or abutting a lake; in the case of a corner lot or a double frontage lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage except where there is a row of double frontage lots, one street shall be designated as the front street for all lots on the plat and any building permit.

<sup>1</sup> see *Appendix of Illustrations*

2. **Rear Lot Line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, a line ten (10) feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.
3. **Side Lot Line:** Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a Side Street Lot Line. A side lot line separating a lot from another lot or lots shall be known as an interior Side Lot Line.

**LOT OF RECORD:** A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat in the records of the Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this amended Ordinance.

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

**MAJOR THOROUGHFARE:** An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond.

**MANUFACTURED HOME:** A factory built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act, commonly known as the HUD (United States Department of Housing and Urban Development) Code. This definition shall also apply to BOCA modular homes.

**MANUFACTURED HOME PARK:** A parcel of land that has been planned and improved for the placement of manufactured homes for residential use.

**MANUFACTURED HOME SPACE:** A plot or parcel of land within a Manufactured Home Park designed to accommodate one (1) manufactured home.

**MANUFACTURED HOME STAND:** That part of a Manufactured Home Space which has been reserved for the placement of a Manufactured Home, appurtenant structure, or additions.

**MASTER PLAN:** A plan projecting the physical development of the Township, adopted by the Township Board on advice of the Planning Commission. Master plan may also refer to any unit or part of such plan or any amendment to such plan

**MEZZANINE:** An intermediate floor in any story not to exceed one- third (1/3) of the floor area of such story.

**MINI STORAGE (SELF STORAGE):** A facility consisting of a building or a group of buildings in a controlled access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials is expressly prohibited.

**MINING:** The commercial activity of soil, sand, or stone excavation/removal; quarrying, gravel processing or mineral extraction from below grade. Not excavation incidental to the construction of buildings/ facilities or ordinary landscaping.

**MOBILE HOME:** A detached residential dwelling unit with a body width greater than 8 feet, of not less than 35 feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. The construction of which is regulated pursuant to the National Mobile Home Construction and Safety Standards Act of 1984 by the Department of Housing and Urban Development (HUD). A travel trailer, motorized home, or any other type of recreational vehicle shall not be considered a mobile home.

**MOBILE HOME MODULE:** A prefabricated structure to be occupied as a detached dwelling unit with all of the following characteristics:

1. Designed for long term occupancy.
2. Containing sleeping accommodations, a flush toilet, a tub or shower bath, kitchen facilities with plumbing and electrical connections provided for attachment to an outside system.
3. Designed to be transported on a flat vehicle in not more than two (2) parts.
4. Designed to be incorporated at a building site into a structure on a permanent foundation by exterior construction consisting of not more than attachment to a foundation and utility and installation of roofing and siding.

**MOBILE HOME PARK (Trailer Court):** A parcel of land that has been planned and improved for the placement of three (3) or more mobile homes for residential use on a continual non-recreational basis. A Mobile Home Park must be licensed by the State of Michigan.

**MOBILE HOME SPACE:** A plot or parcel of land within a Mobile Home Park designed to accommodate one (1) mobile home.

**MODULAR HOME:** A house that is divided into multiple modules or sections which are manufactured in a remote facility and then delivered to its intended home site. Typically, the modules are assembled into a single residential building using either a crane or trucks.

**MOTEL:** Attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space having direct access to an open parking lot, which are rented for overnight lodging primarily to the public traveling by motor vehicle.

**MURAL:** A two-dimensional work of art applied to the exterior of a building or structure not containing content displayed for commercial or informational purposes.

**NON-CONFORMING BUILDING:** A building or portion thereof lawfully existing at the effective date of this amended Ordinance, or amendments thereto and that does not conform to the provisions of this amended Ordinance in the district in which it is located as of the date of adoption of this amended Ordinance.

**NON-CONFORMING LOT:** Any lot, outlot, or parcel of land, which through a change in regulation, no longer conforms to the provisions of this amended Ordinance as of the adoption date of this amended Ordinance.

**NON-CONFORMING STRUCTURE:** A structure, which through a change in regulation, no longer conforms to the provisions of this amended Ordinance as of the adoption date of this amended Ordinance.

**NON-CONFORMING USE:** A use which lawfully occupied a building or land at the effective date of this amended Ordinance, or amendments thereto, but does not conform to the use regulations of the district in which it is located as of the adoption date of this amended Ordinance.

**NUISANCE:** An offensive, annoying, unpleasant or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeated excessive or concentrated invasion of any activity or use across a property line which can be perceived by or affects a human being, such as, but not limited to:

noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, effluent, noise from the congregation of people particularly at night, passenger traffic, invasion of non-abutting street frontage by traffic, dirt, fly ash, or barking dogs for extensive periods.

**NURSERY:** A structure or use, or combination thereof, for the storage or propagation of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping, but not including a structure or use for the sale of fruits, vegetables or Christmas trees.

**NURSERY SCHOOL:** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The term also includes any facility referred to as day care center, day nursery, drop-in center, and parent cooperative preschool.

**NURSING HOME:** A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1885, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

**OFF-STREET PARKING LOT OR FACILITY:** A structure or use providing parking spaces for more than three (3) motor vehicles along with adequate drives and aisles for maneuvering.

**OFFICE:** A room, suite of rooms, or building used by personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

**OPEN FRONT STORE:** A business that has been extended beyond the walls of its building enabling patrons to be served in that outside area without actually entering the building. The term "Open Front Store" shall not include auto repair stations or gasoline service stations.

**OPEN SPACE:** Any unoccupied space open to the sky.

**PARKING SPACE:** An area of definite length and width exclusive of drives, aisles or entrances and fully accessible for the parking of motor vehicles.

**PATIO:** An uncovered courtyard, deck, or platform extending horizontally out from the main building or structure.

**PLANNED UNIT 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.

**POLE BARN:** a building erected using pole construction and not used as a dwelling unit.

**PRINCIPAL USE:** The main use to which the premises are devoted.

**PRIVATE ROAD:** An area of road used for ingress and egress to serve more than one (1) parcel of property not part of a subdivision created under State Act 288, PA 1967, as amended, or the Land Division Act of 1997, as amended.

**PUBLIC UTILITY:** Gas, electricity, sewage disposal, telephone, transportation or water furnished to the public under federal, state and/ or municipal regulations .

**RECREATION AREA:** A natural or improved, public or private area designated for sport or outdoor activities.

**RECREATION FACILITY, PRIVATE:** Any recreation facility which is privately owned and operated on a for profit basis. This definition shall include, but not necessarily be limited to, privately owned golf courses, riding stables, race courses, bowling alleys, private clubs and lodges.

**RECREATION FACILITY, PUBLIC:** Any recreation facility, which is publicly owned and maintained and available to the general public, with or without a fee.

**RECREATIONAL VEHICLE:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self - propelled motor homes, pickup campers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a travel trailer and shall be subject to all regulations of this Ordinance applicable to travel trailers. Recreational vehicles shall also include all self-contained, self-propelled vehicles such as ***GOLF CARTS, 4-WHEELERS, OFF-ROAD MOTOR BIKES, INDIVIDUAL WATER CRAFT AND THE LIKE.***

**RESIDENTIAL CARE FACILITIES, STATE LICENSED:** A facility for the care of adults, over 18 years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, or children, as licensed and regulated by the State under Michigan Public Act 116 of 1973, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:

1. **ADULT FOSTER CARE CONGREGATE FACILITY:** A Foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
2. **ADULT FOSTER CARE FACILITY:** A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its main function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, a home for the aged, an alcohol or substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.
3. **ADULT FOSTER CARE FAMILY HOME:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
4. **ADULT FOSTER CARE LARGE GROUP HOME:** A facility with the approved capacity to receive at least 13, but not more than 20 adults who shall 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.
5. **ADULT FOSTER CARE SMALL GROUP HOME:** A facility with the approved capacity of not more than 12 adults who shall 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.

**RESIDENTIAL CARE FACILITIES, UNLICENSED:** Unlicensed facilities providing a temporary residence, shelter, and sleeping accommodations to seven or more unrelated people. An unlicensed homeless shelter. Not a half-way house or facilities providing housing to persons released from or assigned to correctional institutions.

**RESTAURANT:** An establishment whose principal business is the preparation and sale of food in a “ready to eat “ state.

**RIGHT-OF-WAY:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**ROADSIDE STAND:** A structure erected on property adjacent to a public road for the sale of products produced on the property, provided such use shall not constitute a commercial district, nor be deemed a commercial activity.

**SETBACK:** The minimum horizontal distance a structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

**SIGN:** Any outdoor sign, name identification, description, display, device, figure, painting, drawing, message, placard, poster, billboard or illustration which is affixed to or represented directly or indirectly upon a structure or land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. A "sign" shall not include any display of official court or public office notices nor shall it include the flag of a political unit or school.

**SIGN, ACCESSORY:** Signs which identify, describe, illustrate or are used to direct attention to a use or activity on the site, which is permitted, as either a "Principal Use" or a "Use Authorized After Special Approval" in a zoned district.

**SIGNS, NON-ACCESSORY:** Signs which identify, describe, illustrate or are used to direct attention to a use or activity which occurs or exists at a location other than the site where the sign is placed

**SITE PERMIT:** A Township Zoning Compliance Permit that is issued by the Township Zoning Inspector and is required prior to obtaining a Building Permit issued by the Huron County Building and Zoning Department.

**SPECIAL USE OR SPECIAL APPROVAL USE:** Any use of land listed as a Use Permitted Subject to Special Approval which, due to its potential effect on adjacent lands, in particular, and the overall community in general, requires approval according to the standards as provided in this amended Ordinance.

**STORY:** The part of a building except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling joists next above.

**STORY, HALF:** An uppermost story lying under a sloping roof having a floor area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6 ").

**STREET:** A public right-of-way, other than an alley, which affords the principal means of access to abutting property.

**STREET LINE:** The legal line of demarcation between a street right-of-way line for service, benefit or enjoyment.

**STRUCTURE:** Anything constructed or erected, including a building, the use of which requires location on the ground or attachment to something having location on the ground.

**STRUCTURE, ACCESSORY:** A structure or portion thereof subordinate to and on the same lot as a main structure and devoted exclusively to an accessory use.

**STRUCTURE, MAIN:** A structure or portion thereof in which is conducted the principal use of the lot in which it is located.

**SUBDIVIDE or SUBDIVISION:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent. "Subdivide" or "subdivision" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel; and any resulting parcel shall not be

considered a building site unless the parcel conforms to the requirements of an applicable local ordinance.<sup>1</sup>

**TELEVISION SATELLITE DISH:** The term Television Satellite Dish shall mean every device capable of receiving television signals from satellites.

**TEMPORARY BUILDING AND USES:** A structure or use permitted to exist during construction of the main use, for a period not exceeding six (6) months following issuance of an occupancy permit for the main building, never permitted to be used as a dwelling unit.

**TERRACE APARTMENTS:** A row of four (4) or more attached, one (1) family dwellings, not more than two (2) rooms deep, and having the total dwelling space on one floor.

**TRAVEL TRAILER:** A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses or designed for a temporary office or business use.

**TOWNSHIP:** Port Austin Township, Huron County, Michigan.

**TOWNSHIP BOARD:** The Board of Trustees of Port Austin Township, Huron County, Michigan.

**USE:** The purpose for which land, premises, or structure is arranged, designed or intended, or for which land, premises or structure is or may be occupied.

**VARIANCE:** A modification of the literal provisions of this Ordinance granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

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

**WIRELESS COMMUNICATION ANTENNA (WCA):** Any antenna used for the transmission or reception of wireless communication signals excluding those used for public emergency systems, television, ham radio, satellite antennas and video programming services

**WIRELESS COMMUNICATION SUPPORT FACILITY (WCSF):** A monopole, guyed or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

**YARD:** The open space on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

**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 point of the main building.

**YARD, REAR:** 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 point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

**YARD, SIDE:** 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 minimum horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**ZONING DISTRICT:** A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which are contained yards, open spaces, lot area, and other requirements as established by this amended Ordinance.

<sup>1</sup>*Michigan Subdivision Control Act of 1967, being PA 288 of 1967*