

**ARTICLE II
CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

SECTION 200. CONSTRUCTION OF LANGUAGE

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

- 200-1. The particular shall control the general.
- 200-2. In the case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- 200-3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- 200-4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 200-5. A "building" or "structure" includes any part thereof.
- 200-6. The phrase "used for" includes "arranged for," "designed or," "maintained for," or "occupied for."
- 200-7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- 200-8. 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," such conjunctions 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.
- 200-9. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 201. DEFINITIONS, GENERAL

For the purpose of this ordinance, terms not herein defined shall have the meaning customarily assigned to them and the terms or words used herein shall be interpreted as set forth in Sections 202 through 226.

SECTION 202. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH 'A'

202-1. Accessory Use, or Accessory Structure.

A use which is clearly incidental to and customarily found in connection with and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. An accessory use includes but shall not be limited to the following:

- a. Swimming pools for the use of the occupants of a residence and/or their guests subject to the regulations of Section 1713.
- b. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure, except that in A-1 and A-2 Districts barns, sheds, tool rooms and similar structures shall be deemed principal structures.
- c. A news stand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- d. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded by applicable district regulations or other local, state or federal regulations.
- e. Storage of goods used in or produced by an industrial use and related activity unless such storage is excluded by applicable district regulations or other local, state or federal regulations.
- f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations set forth in ARTICLE XIX for the district in which the zoning lot is located.
- g. Uses clearly incidental to a main use such as but not limited to offices of an industrial or commercial complex located on the site of the commercial or industrial complex. Any use which is not expressly prohibited in the district in which it is located, and which does not involve any enterprise or activity conducted independently of the principal use, and which does not occupy more than ten (10) percent of the floor area of the use to which it is accessory, shall be deemed to be incidental to the principal use. A use which produces or is intended to produce financial gain shall not be deemed to be "incidental" to a residential use pursuant to this subsection.

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- h. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- i. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

202-2. Adult.

An adult is any person eighteen (18) years of age or older.

202-2a. Adult Day Care Facilities.

A private residence, in which one but less than six (6) adults are given care and supervision for periods of time not to exceed 16 hours in a 24 hour period.

202-2b. Adult Care Centers.

A center other than a private residence, in which more than six (6) adults are supervised and receive group care.

202-3. Alley.

Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

202-4. Alterations.

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

202-5. Reserved

202-6. Animal Feed Lot.

An animal feed lot shall be any fenced area where animals are concentrated and fed. A fenced area shall be deemed an animal feed lot if the existing or proposed concentration of animals therein results in the emission of odors which are discernible on property located more than 500 feet from said fenced area.

202-7. Arcade.

Any premises open to the public wherein are assembled three (3) or more mechanical or electronic amusement devices operated for information or for use as a game, amusement or contest of any description.

202.8 Reserved

202.9 Reserved

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202-10. Automobile Filling Station.

A place for the dispensing, selling or offering for sale motor fuels directly to users of motor vehicles, together with the sale of minor accessories but not including any automotive repair or installation of accessories.

202-11. Automobile Parts and Accessory Store.

Automobile parts and accessory stores are establishments whose principal business activity is the sale of automobile parts and accessories and, where specifically permitted under the district regulations of this Ordinance, the installation of automobile parts and accessories, and whose business activity does not include the sale of motor vehicle fuels.

202-12. Automobile Pumping Station

An area adjacent to a gasoline pump, whether it is a single hose or multiple hose pump station, where a single vehicle stops for refueling.

202-13. Automobile Service Station.

An automobile service station is an automobile filling station which also provides parts, automotive tune-ups and minor repairs and adjustments for batteries, electrical systems, brakes, mufflers, tires, wheel balancing and alignments and shock absorbers and similar motor vehicle components. It does not provide major automobile repair or body work.

SECTION 203. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "B"

203-1. Banquet Facility.

A hall or similar facility for hire that serves food for consumption on premises whether such food is prepared on or off the premises.

203-2. Bar.

A bar is an establishment or a part of an establishment for which the principal attraction is the sale of alcoholic beverages to patrons for consumption on the premises where sold.

203-3. Basement.

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. Basements shall not be utilized for living quarters in multiple family structures nor shall they be occupied for primary office or commercial purposes. (See Figure 2.1)

203-4. Berm.

An earth mound used to cause transition between residential and nonresidential development and between residential development and major or secondary thoroughfares and in other locations as required by this ordinance or otherwise appropriate.

203-5. Block.

The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the Township.

203-6. Boarding House, Rooming House, Tourist Home.

Boarding houses, rooming houses and tourist homes shall be any single-family residential structure which is occupied on a permanent basis by a family or household which rents rooms therein to individuals and/or families on a daily, or monthly basis. Rooms rented shall not be provided with their own direct access to the exterior. Rented rooms which are provided with their own access shall be deemed to be apartments.

203-7. Board of Appeals.

The Highland Township Board of Zoning Appeals established pursuant to ARTICLE XX of this Ordinance.

203-8. Reserved

203-9. Reserved

203-10. Boutique.

A comparison commercial use not exceeding 3,000 square feet in gross floor area.

203-11. Buildable Area.

The buildable area of a lot shall be an area which is free of all public rights-of-way, all private road easements, all natural hazard areas (as established under the requirements of Section 1714 of this Ordinance) and any public utility easements which shall place limitations on overhead, surface or underground use or development. Local service easements which provide service directly to a lot and common drainage easements serving a lot or the subdivision in which a lot is located shall not be excluded from the calculations of the minimum buildable area for that lot. The buildable area of a lot shall be a minimum of six feet above the water table. It shall be of such configuration as to permit construction of a home and placement of an initial and a replacement septic field thereon.

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203-12. Building.

Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

203-13. Building Height.

The vertical distance measured from the established grade as shown for flat, A-frame, dome mansard, gambrel, gable and hip roofs in Figures 2.2 and 2.3.

SECTION 204. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "C"

204-1. Cabaret.

A cabaret is a bar or restaurant which provides musical or other entertainment and/or space for dancing by patrons.

204-2. Camping - Primitive

A camping activity that allows for the placement of a tent in an open field or woods without any water, electric, gas, sewage disposal or communication facilities or any structural improvements of any type except for a caretaker facility, which includes one single family detached dwelling.

204-3. Camping - Structured

A camping activity that allows for the placement of a + tent or camper in a specified area with some or all of + the water, electric, gas sewage disposal or communication + facilities available to the users on a group or individual basis.

204-4. Canopy Structure

Any overhead protective structure which is extended from a building, including a Soffit, an awning or a self-supported roof.

204-5. Catering Facility.

A place where cooking services with related equipment, utensils and food service items are for hire and the food is prepared on the premises for delivery to customers who are picking up the food or being served off premises.

204-5b. Child Care Center

A center other than a private residence, in which more than six (6) preschool or school age children are given care and supervision.

204-6. Churches and Other Facilities for Religious Activities.

Churches and other facilities shall include buildings, structures, or land primarily used for the regular gathering of six or more persons engaged in religious activities.

204-7. Club.

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

204-8. Condominium

A single parcel, facility and/or complex is owned in common wherein two or more subparcels or units, whether used for residential or non residential purposes, are owned individually.

204-9. Condominium Act

Public Act 59 of 1978, as amended.

204-10. Condominium Documents

"Condominium documents" means the master deed, recorded pursuant to the Condominium Act, the bylaws of the condominium and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

204-11. Condominium Master Deed

"Master deed" means the document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project. The master deed shall include all of the following:

- a. An accurate legal description of the land involved in the project.
- b. A statement designating the condominium units served by the general and limited common elements and clearly defining the rights in the rights in the various common elements.
- c. A statement showing the total percentage of value for the condominium project and the separate percentages of values assigned in the condominium subdivision plan.
- d. Identification of the Charter Township of Highland local unit of government with which the detailed architectural plans and specifications for the project have been filed.
- e. Any other matter which is appropriate for the project.

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204-12. Condominium Project

"Condominium project: or "project" means a plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.

204-13. Condominium Subdivision Plan

"Condominium subdivision Plan" means the drawings and information prepared pursuant to section 66 of the Condominium Act.

204-14. Condominium Unit

"Condominium Unit" means each portion of the 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 and industrial, business, recreational, use as a time-share unit or any other type of use.

204-15. 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.

SECTION 205. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "D"

205-1. Development.

The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot or the use of open land for a new use.

205-2. 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.

205-3. Drive-Through Facility.

The portion of a business establishment so developed and operated as to permit servicing of patrons inside an automobile and/or outside the walls of a building.

205-4. Dwelling Unit.

A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities and sanitary facilities. Basement structures shall not be occupied as dwelling units. However, underground dwellings which are designed for energy conservation and meet full B.O.C.A. code requirements shall be dwelling units.

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- 205-5. Reserved
- 205-6. Dwelling, Single-Family Attached.
A dwelling unit which: 1) has one or more party walls connecting it to one or more other such dwelling units; 2) has one or more at grade entrances; and 3) has at least forty (40) percent of its living area at grade level.
- 205-7. Dwelling, Single-Family Detached.
A dwelling unit which has no party walls connecting it to one or more other such buildings or dwelling units.
- 205-8. Reserved
- 205-9. Reserved
- 205-10. Dwelling, Two-Family Duplex.
A dwelling unit in a building containing only two (2) single-family attached dwelling units.
- 205-11. Dwelling, Two-Family Flat.
A dwelling unit in a building containing only two (2) dwelling units, at least one of which does not have a private at-grade entrance or which has less than forty (40) percent of its living area on an at grade floor.
- 205-12. Dwelling, Multiple-Family.
A dwelling unit in a building containing three (3) or more dwelling units any one of which does not have a private at-grade entrance or less than forty (40) percent of its living area on an at grade floor.

SECTION 206. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "E"

- 206-1. Erected.
Built, constructed, altered, reconstructed, moving upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of erection.
- 206-2. Elderly Housing.
A development containing thirty (30) or more residential units which are restricted by some legally binding means to occupancy by persons fifty-five (55) years old or older.

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SECTION 207. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "F"

207-1. Family.

A family shall be deemed to be one of the following when living in a single dwelling unit:

- a. A single individual.
- b. A group of up to three unrelated individuals.
- c. A group of two or more persons, each member of which is related to every other member by blood or marriage, plus up to two unrelated individuals.
- d. A group of two or more persons, each member of which is related to every other member by blood or marriage, plus another such group provided there are no spouses in either group.

207-2. Family Day Care Home

A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. Family day care home applies only to the bona fide private residence of the operator of the family day care home. Family day care homes are not permitted signage except for residential unit nameplate identification signs as regulated in Article XV.

207-3. Floodplain.

The relatively flat areas or low lands adjoining the floodway, watercourse or a body of water which has been or may be covered by floodwater when high amounts of precipitation or snowmelt are experienced.

207-4. Floodway.

The areas of water conveyance or the flowing portion of the water course during a 100-year flood.

207-5. Floor Area, Gross.

Measurement of gross floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls, except that where interior parking and loading or unloading areas are provided such areas shall not be counted as part of the gross floor area.

207-6. Reserved

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- 207-7. Floor Area, Usable.
Measurement of the useable floor area shall be the gross floor area minus areas devoted to storage or to heat, ventilation, air conditioning and similar mechanical equipment.
- 207-8. Food Store, Grocery Store.
A grocery store is any general or specialized food store with a total floor area of 12,000 square feet or less.
- 207-9. Reserved
- 207-10. Reserved
- 207-11. Food Store, Supermarket
A supermarket is any general or specialized food store with a total floor area of more than 12,000 square feet.

SECTION 208. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "G"

- 208-1. Garage, Private.
An accessory building (when not attached to the main building) or portion of a main building (when attached to the main building) designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.
- 208-2. Glare
Direct light emitted by a lamp, luminous tube lighting or other light source.
- 208-3. Golf Course.
The term "golf course" shall refer to a large tract of land which is primarily intended for the playing of golf, which is a game played on a series of 9 and 18 holes spaced far apart, the object being to propel a small ball with the use of various clubs into each hole with as few strokes as possible.
- 208-4. Golf Course: Miniature or Putt
The term "miniature golf course" or "putt putt" course refers to a small area of land wherein only putters are used on either natural or artificial surfaces which may be lighted for both day and night use.

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208-5. Golf Course: Pitch and Putt or Par 3

The term "pitch and putt" or "par 3" golf course shall refer to a tract of land which is primarily intended for the playing of golf on a series of holes that are spaced only about 50 to 150 yards apart and only a few golf clubs like the irons and putter are used to propel the ball from tee to hole in as few strokes as possible.

208-6. Golf Driving Range

The term "golf driving range" shall refer to generally a 10 to 15 acre tract of land, which is primarily intended for many people to practice their golf swing from an array of tees set side-by-side along one edge of a large open field.

208-7. Grade.

The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

208-8. Group Day Care Home

A private home in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. Group day care home applies only to the bona fide private residence of the operator of the group day care home, operating under license of the State of Michigan.

SECTION 209. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "H"

209-1. Hazardous Materials.

Hazardous materials shall include any material listed in the hazardous materials table included as an appendix to this Article.

209-2. Hazardous Waste Disposal and Incineration Facilities.

Hazardous waste disposal and incineration facilities shall include any facility so designated by the Michigan Department of Natural Resources pursuant to Act 64 of 1979, as amended, being the "Hazardous Waste Management Act."

209-3. Home Occupation.

Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in

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whole or part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; no mechanical or electrical equipment is used except such as is permissible and normal for domestic or household purposes; no substances are used except such as would be permissible and normal for domestic or household purposes. Not more than two clients, customers, or business associates shall visit the premises at one time. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his profession. No accessory building other than a garage shall be used for such home occupation. No outdoor storage or activity shall be permitted in connection with a home occupation. A home occupation as defined herein shall not result in any continuous, intermittent, pulsating or other noise which can be heard outside of the home or garage in which it is conducted.

209-4. Hotel

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

209-5. Reserved

209-6. High Water Line

A line corresponding to the highest topographic contour above a water body to which that water body normally rises during the course of the year.

SECTION 210. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "I"

210.1. Reserved.

SECTION 211. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "J"

211.1. Junk Yard.

An open area where junk, waste, used or secondhand materials and/or equipment are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. Materials shall include but shall not be limited to: scrap iron and other metals, paper, rags, rubber, tires, glass and bottles. Equipment shall include motor vehicles, boats, aircrafts, farm implements and other similar equipment.

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SECTION 212. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "K"

212-1. Kennel.

The keeping on or in any lot or building of three (3) or more dogs, cats or other household pets which are more than six (6) months old for any purpose other than the following: 1) to provide medical care to the animals so kept, 2) as domestic household pets subject to the provisions of any animal control regulations which may be enacted by the Township Board.

SECTION 213. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "L"

213-1. Lamp

The component of the luminary that produces the actual light including luminous tube lighting.

213-2. Light Fixture

The assembly that holds a lamp and may include an assembly housing, a mounting bracket or socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and florescent lighting. A light fixture is a luminary.

213-3. Light Pollution

Artificial light which causes a detrimental effect on the environment, the enjoyment of the night sky or the practical use of adjacent properties.

213-4. Light Trespass

The shining of light produced by a luminary beyond the boundaries of the property on which it is located.

213-5. Loading Space.

An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

213-6. Lot.

A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. In a condominium subdivision plan, the condominium unit as defined by the Condominium Act

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shall be deemed to be a "lot" for purposes under this Ordinance. (See also the definition of Zoning Lot in Section 213-15).

213-7. Lot Area.

The total horizontal area within the lot lines of the lot.

213-8. Lot, Corner.

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot line meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. (See Figure 2.4.)

213-9. Lot Coverage.

The part or percent of the lot occupied by buildings including accessory buildings.

213-10. Lot Depth.

- a. Lot depth for rectangular lots shall be the horizontal straight line distance between the center of the front lot line and the center of the rear lot line. For lots with no rear lot line, the line opposite the front lot line shall be used as the rear lot line for the purpose of measuring lot depth. For lots with more that one front lot line, lot depth shall be the greatest depth which results by measuring from each of the front lot lines. (See Figure 2.5.)
- b. Lot depth for non-rectangular lots shall be the straight line horizontal distance of a line drawn from one property line to another and running through the center of line ab and the center of line cd as illustrated in Figure 2.6. Line ab is the shortest straight line which connects the lot lines which intersect the front lot line, touches the front lot line at one or both ends or at least one point in between, and lies completely within the lot. Line cd is the shortest straight line which connects the lot lines which intersect the rear lot line, touches the rear lot line at one or both ends or at least one point in between, and lies completely within the lot. For lots with no rear lot line, the line opposite the front lot line shall be used as the rear lot line for the purpose of measuring lot depth. For lots with more that one front lot line, lot depth shall be the greatest depth which results by measuring from each of the lot lines.

213-11. Lot, Interior.

Any lot fronting on only one street or road.

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213-12. Lot Lines

a. Lot Lines, Rectangular Corner Lots Bounded by Three Streets or Roads

1. Front Lot Lines:

Those lot lines which both: 1) separate the lot from a street or road right-of-way, and 2) are either a continuation of the front lot line of an adjacent lot or lie across the street from the front lot line of another lot, or lie opposite the front lot line of the subject lot. If more than one of the lot lines which separate the lot from a street or road right-of-way are either a continuation of the front lot line of an adjacent lot or lie across the street from the front lot line of another lot, or lie opposite the front lot line of the subject lot, then each such lot lines shall be front lot lines. For lots which are large enough to be divided so as to create interior lots, the lot lines which would form the front lot lines of such possible interior lots shall be front lot lines of the subject lot. If, based on the foregoing criteria, fewer than two lot lines are designated as front lot lines, then the property owner shall designate one or more additional front lot lines so that the lot will have at least two front lot lines.

2. Rear Lot Lines:

Rectangular corner lots bounded by three streets or roads shall have no rear lot line, except that lots which are large enough to be divided so as to create interior lots, the lot lines which would form the rear lot lines of such possible interior lots shall be rear lot lines.

3. Side Lot Lines:

Those lines which are not designated as front or rear lot lines pursuant to subsections 1 and 2 above.

b. Lot Lines, Rectangular Corner Lots Bounded by Two Streets or Roads

1. Front Lot Lines:

Those lot lines which both: 1) separate the lot from a street or road right-of-way, and 2) are either a continuation of the front lot line of an adjacent lot or lie across the street from the front lot line of a lot. If both lot lines which separate the lot from a street or road right-of-way are either a continuation of the front lot line of adjacent lots or lie across the street from a front lot line, then both shall be front lot lines. For lots which can be divided so as to create interior lots, the lot lines which would form the front lot lines of said possible interior lots shall be front lot lines. If, based on the foregoing criteria, neither of the

lot lines which separate the lot from a street or road right-of-way is designated as a front lot line, then the property owner shall designate at least one front lot line.

2. Rear Lot Lines:

If only one of the two lot lines which separate the lot from a street or road right-of-way is designated as a front lot line pursuant to subsection (1) above, then the interior lot line opposite the front lot line shall be designated as the rear lot line. If both of the lot lines which separate the lot from a street or road right-of-way are designated as front lot lines pursuant to subsection (1) above, then the lot shall have no rear lot line, except that in the case of lots which are large enough to be divided so as to create interior lots, the lot lines which would form the rear lot lines of such possible interior lots shall be rear lot lines.

3. Side Lot Lines:

Those lines which are not designated as front or rear lot lines pursuant to subsections 1 and 2 above.

c. Lot Lines, Rectangular Interior Lots:

1. Front Lot Line:

That line which separates the lot from the street or road right-of-way.

2. Rear Lot Lines:

That line which separates the lot from adjoining property (other than a right-of-way), which is parallel to the front line and which lies to the rear of the lot.

3. Side Lot Lines:

Those lines which separate the lot from adjoining property and which are not rear lot lines.

d. Lot Lines, Rectangular Island Lots (lots completely surrounded by streets or roads):

1. Front Lot Lines:

Those lot lines which either lie across the street from the front lot line of another lot, or lie opposite the front lot line of the subject lot. For lots which can be divided so as to create interior lots, the lot lines which would form the front lot lines of such possible interior lots shall be front lot lines of the

subject lot. If, based on the foregoing criteria, fewer than three lot lines are designated as front lot lines, then the property owner shall designate one or more additional front lot lines so that the lot will have at least three front lot lines.

2. Rear Lot Lines:

Rectangular island lots shall have no rear lot lines.

3. Side Lot Lines:

Those lines which are not designated as front lot lines pursuant to subsection 1 above.

e. Lot Lines, Rectangular Through Lots:

1. Front Lot Lines:

Those lines which separate the lot from the street or road rights-of-way.

2. Rear Lot Lines:

Through lots shall not have rear lot lines.

3. Side Lot Lines:

Those lines which separate the lot from adjoining property other than rights-of-way.

f. Lot Lines, Non-Rectangular Lots

Lot lines for non-rectangular lots shall be designated as front, side and rear lot lines by the Zoning Administrator based on the criteria set forth in Section 213-11 and on the designations set forth in Figure 2.6.

g. Lot Lines Adjacent to Streets and Roads

Whenever a lot lies adjacent to a street or road, the lot line of said lot shall be the Michigan Department of Transportation or Oakland County Road Commission officially proposed street or road right-of-way line in the case of streets or roads under the jurisdiction of the Michigan Department of Transportation or the Oakland County Road Commission, respectively, on the actual right-of-way line in the case of other streets and roads.

213-13. Lot of Record.

A parcel of land, the dimensions of which are shown on a document or map on file with the Oakland County Register of Deeds or in common use by Township or Oakland County Officials and which actually exists as so shown

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or any part of such parcel held in a record ownership separate from that of the remainder thereof.

213-14. Lot, Through.

Any lot having frontage on two more or less parallel streets as distinguished from a corner lot, and having two interior lot lines.

213-15. Lot Width.

a. Lot Width for Rectangular Lots

Lot width for rectangular lots shall be measured along the front lot line. For lots with more than one front lot line as defined in Section 213-13, lot width shall be defined as the shortest front lot line.

b. Lot Width for Non-Rectangular Lots

Lot width for non-rectangular lots shall be measured along the shortest straight line which connects the lot lines which intersect the front lot line, touches the front setback line at one or both ends or at least one point in between, and lies completely behind the required front yard. For lots with more than one front setback line, lot width shall be defined as the shortest width which results by measuring from each of the front setback lines.

213-16. Lot, Zoning.

A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not necessarily coincide with a lot of record as filed with the Oakland County Register of Deeds but may include one or more lots of record or may be part of a lot of record.

213-17. Luminary

The complete lighting system including the lamp and light fixture.

213.18. Luminous Tube Lighting

Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, .g., neon, argon, etc.

SECTION 214. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "M"

- 214-1. Main Building.
A building in which is conducted the principal use of the lot upon which it is situated.
- 214-2. Major Automobile Repair.
Includes the removal, or installation or rebuilding of automotive engines, transmissions or bumping or painting.
- 214-3. 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. Major thoroughfares are categorized and identified as follows:

Regional Arterials: Highland Road (M-59).

Local Arterials: Milford Road, Hickory Ridge Road, Harvey Lake Road,
North Duck Lake Road, Jackson Boulevard, Clyde Road and Rose Center Road.

Principal Collectors: Middle Road, Wardlow Road, Lone Tree Road, Honeywell Lake Road, White Lake Road, and Rowe Road.
- 214-4. Marginal Access Drive.
A marginal access drive is any drive which provides automobile and other vehicular access between adjacent parcels without necessitating the use of that portion of the public right-of-way which is improved to carry through traffic. A marginal access drive may be located in a public right-of-way subject to the approval of the public agency having jurisdiction over the right-of-way. A marginal access drive may be located on private property provided that appropriate access easements are recorded. A marginal access drive located on private property may also serve to provide access to individual parking spaces.
- 214-5. Reserved
- 214-6. Master Plan.
The Comprehensive Land Use Plan adopted by the Township in accordance with P.A. 285 of 1931 as amended.

- 214-7. Mezzanine.
An intermediate floor in a building which contains a floor area which does not exceed one-third (1/3) of the ground floor area of said building.
- 214-8. Reserved
- 214-9. Reserved
- 214-10. Minor.
Any person under 18 years of age.
- 214-11. Mobile Home/Manufactured Home.
Manufactured Housing: A home built entirely in a factory and designed for long-term residential use. Manufactured homes are built under construction standards enforced by the Department of Housing and Urban Development (HUD) in Washington D.C., formerly called "mobile homes".
Modular Housing: Factory built housing under standards enforced by state and local agencies in Michigan, the BOCA Code. Delivered to the home site in several sections, the home's interior amenities may be installed at the factory or the site.
Multi-Section Home: Manufactured housing delivered to the home site in two or more sections. Ranges from 1200 to over 2400 square feet. May have attached garage.
Single-Section Home: Manufactured housing delivered to the home site in an intact section, approximately 1200 square feet.
Site Built Housing: Housing constructed entirely at the home site.
- 214-12. Motel.
A series of attached, semi-detached or detached rental units containing a bedroom and sanitary facilities. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

SECTION 215. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "N"

- 215-1. Non-Complying Building.
A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not comply to the provisions of this Ordinance in the district in which it is located.

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215-2. Noncompliance.

A noncompliance is any deviation from any area, bulk or other requirement, other than a use requirement of this Ordinance. For a detailed explanation of a noncompliance, see Section 1702-2.

215-3. Non-Conforming Use.

A use which lawfully occupies a building or land at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the ordinance in the district in which it is located. For a detailed explanation of a non-conforming use, see Section 1702-2.

215-4. Nursery, Plant Materials.

A space, building or structure, or combination thereof, for the growing and storage of live trees, shrubs or plants for sale. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits or vegetables.

215-5. Nuisance.

An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation. (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) excessive number of recreational vehicles or units, (q) the visual impairment of sight distances for ingress, egress, enjoyment of a natural feature or panoramic view, or (r) excessive accumulation of toys, garden equipment, appliances, unlicensed vehicles and other household items either not in use or not in reasonable repair.

SECTION 216. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "O"

216-1. Off-Street Parking Lot.

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

216-2. Ordinance.

This Highland Township Zoning Ordinance and any amendments thereto.

SECTION 217. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "P"

217-1. Parking Space.

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto and shall be fully accessible for the parking of permitted vehicles.

217-2. Party Store.

A party store is any store which obtains more than twenty-five (25) percent of its gross revenues from the sale of packaged alcoholic beverages and/or which has more than twenty-five (25) percent of its gross floor area devoted to the display and/or sale of alcoholic beverages.

217-3. Person.

Person means any person, firm, partnership, association, corporation, company, or organization of any kind.

217-4. Personal Development Residential Counseling Center

The term "personal development residential counseling center" is hereby defined to be any facility and use which offers any kind of personal counseling intended to help individuals to function better in their business, professional, personal or spiritual capacities, except that this shall not include any medical, psychological or other treatment explicitly or indirectly intended to address substance abuse, personality disorders, conditions of joblessness, conditions of homelessness, criminal behavior or the like. Activities which are by definition permitted in personal development residential counseling centers include one-on-one discussion between clients and counselors, group discussions, mediation, meditation training and the like. Personal development residential counseling centers may by definition include overnight accommodations for clients for extended periods. They may also include food services for overnight clients.

217-5. Political Campaign Sign.

Political campaign sign means any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.

217-6. Principal Structure.

The structure or structures which house the principal use or uses to which a zoning lot is devoted. A nonresidential structure which has more than fifteen

(15) percent of its floor area occupied by accessory uses shall be deemed an accessory structure.

217-7. Principal Use.

Any use of a lot or structure which is not an accessory use and which is specifically included in the list of principal uses permitted by right or as special land uses in the district in which it is located or is permitted as a principal use pursuant to the provisions of Section 1712. A zoning lot and the structures thereon may be devoted to more than one principal use.

217-8. Private at-Grade Dwelling Unit Entrance

An entrance to a dwelling unit which is within four (4) feet of the nearest grade level and which provides entry into the dwelling unit directly from the out-of-doors without a hall or other indoor space which also provides entry to other dwelling units.

217-9. Property Line.

A property line is a line which delineates any separately recorded parcel or lot from any other separately recorded lot or parcel. A property line may or may not correspond with a zoning lot line.

217-10. Public Property

Public property means all publicly owned property, including streets, rights-of-way, easements, and everything affixed thereto and thereover.

217-11. Public Utility.

Public utility is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, telegraph, communication, transportation or water. Wireless communication towers, devices and facilities are not defined as a public utility.

SECTION 218. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "R"

218-1. Recreational Vehicle or Unit.

Includes a tent or vehicular-type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers. Recreational units shall also include, but shall not be limited to, the following: boats, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, horse trailers and similar

equipment. One or several small recreational vehicles or units on a trailer shall constitute one unit for purposes of being regulated by this Ordinance.

218-2. Restaurant, Drive-In.

A drive-in restaurant is any establishment or portion thereof where general or specialized foods, desserts and beverages are sold in a ready-to-consume state for consumption by the patron in a motor vehicle parked on the premises in spaces provided for such a purpose.

218-3. Restaurant, Drive-Through.

A drive-through restaurant is any establishment or portion thereof where general or specialized foods, desserts, and beverages are sold in a ready-to-consume state and whose method of operation involves serving patrons inside an automobile and/or outside the walls of a building but does not provide for the consumption of food on the site where served.

218-4. Restaurant, Fast-Food.

A fast-food restaurant is any establishment or portion thereof whose business is the sale of foods or beverages to the customer in a ready-to-consume state and whose method of operation involves delivery of the prepared food to the customer at a counter or cafeteria line for consumption at the counter where it is served or at tables, booths or stands inside or outside the structure or on or off the premises.

218-5. Reserved

218-6. Restaurant, Standard.

A standard restaurant is any establishment or portion thereof whose business is the sale of foods or beverages to the customer in a ready-to-consume state and whose method of operation involves only the serving of the prepared food to the customer at tables or booths inside the structure or out.

218-7. Right-of-Way

A right-of-way is a strip of land over which a person may pass by right and upon which facilities such as roads, railroads and/or utilities can be built. A right-of-way may be either a public or private strip of land to be used for the above purpose.

218-8. Right-of-Way, proposed

A proposed right-of-way is a strip of land still under private ownership that is planned to be a right-of-way by the owner or a federal, state or local unit of government in the future for which the transfer of title has not been executed as of the date the property is subject to review for some development purpose. Where a proposed right-of-way is designated by a federal, state or local unit

of government, the proposed right-of-way line shall be used to determine setback requirements for all improvements required by this Ordinance. Where a proposed right-of-way is not designated, the actual right-of-way line shall be used to determine setback requirements for all improvements required by this Ordinance.

218-9. Right-of-Way Line

A right-of-way line is the line that separates a public or private street or right-of-way from public or private property. A right-of-way line is also a front lot line or, in some cases, a side lot line adjacent to a public or private right-of-way.

218-10 Room.

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

SECTION 219. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "S"

219-1. Sanitary Land Fill (Dump).

A sanitary land fill (dump) shall be any land where garbage, sewage, filth, refuse, waste, trash, debris or rubbish, including cans, bottles, waste paper, cartons, boxes and crates or otherwise offensive or obnoxious matter is kept for disposal. This excludes the spreading of sludge on farm fields for fertilizing purposes.

219-2. Section Line.

Those lines which encompass the outer limits of a Section of land as established by a survey of the Field Surveying Service of the U. S. General Land Office.

219-3. Section Line Road.

A section line road is any road which has its center line running approximately along a section line.

219-4. Shielded Fixture

Outdoor light fixture that shields the lamp or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted; i.e., “shoebox” type fixtures with a flat lens. A luminary mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the lamp in the same manner as a shoebox type fixture is also considered fully shielded for the purposes of this ordinance.

219-5. Sign.

A sign is any visual message which: 1) is painted on or is otherwise affixed to or resting on any structure or the ground; and 2) identifies a business, profession, product or service or otherwise contains any thought, idea, sentiment, opinion. Sign regulations in this ordinance identify the two types of signs which are defined as follows:

1. Freestanding Signs:

Freestanding signs are signs which are mounted on the ground and are not attached to the wall of any building. Signs mounted on retaining or other landscaping walls which are not building walls shall be considered to be freestanding signs.

2. Wall-mounted Signs:

Wall-mounted signs are signs which are mounted on the wall of a building.

219-6. Sign Area

a. Freestanding sign which is not mounted on a retaining or other landscape wall:

The area of each face shall include the entire area containing the writing, representation, emblem or other display, together with any material or color background of the display, together with any structural or supporting framework, except the area shall not include supporting framework which conforms to the both of the following requirements:

1. Individual support structures which do not exceed one (1) square foot in horizontal cross section, and
2. Individual support structures which are not placed closer than four (4) feet to each other.

b. Freestanding sign which is mounted on a retaining or other landscape wall:

The area of the face shall include the entire area containing the writing, representation, emblem or other display, together with any material or color background of the display, together with any structural or supporting framework which is not part of the retaining or other landscape wall on which the sign is mounted.

c. Wall mounted signs:

The area of the face shall include the entire area containing the writing, representation, emblem or other display, together with any material or color background of the display, together with any structural or supporting framework.

d. Signs painted on a building wall, canopy, awning, window, wall or fence surface:

The area shall include all lettering, wording and accompanying designs or symbols together with any background of a different color from the color of the building, canopy, awning, window, wall or fence surface.

e. Individual letters or figures when attached to or painted on a building, canopy, awning, window, wall or fence surface:

The area shall be that of the smallest parallelogram that encompasses all of the letters or symbols.

219-7. Shopping Center

A group of four or more stores, personal service establishments and/or offices which occupy a single zoning lot which is commonly known as a plaza, strip stores, mall, etc. and which share many development components such as parking, site utilities, landscaping, site lighting, signage, etc. A group of three or fewer stores will be treated as an individual business on a zoning lot for signage, site design, parking and loading purposes.

219-8. Shopping Center, Commercial or Office Park

A group of four or more Shopping Centers, Individual Businesses and/or Office Centers organized as an Association for the purpose of developing a large acreage parcel of ten (10) acres or more with a common internal road system, a common area maintenance agreement and a common, as well as an individual marketing plan such as an East or West Highland Commerce Center, a Highland Auto Mall, a Food Court, a Highland Commons, etc., whereby the Association sponsors and promotes the whole Park in terms of some advertising and/or special event program.

- 219.9. Sky Glow
A condition where the night sky is illuminated when upwardly directed light reflects off particles in the atmosphere.
- 219-10. Story.
That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story. (See Figure 2.1)
- 219-11. Story, Half.
An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' - 6"). For the purpose of this Ordinance, the useable floor area is only that area having at least four (4) feet clear height between floor and ceiling.
- 219-12. Street.
A dedicated public right-of-way or approved private road, other than an alley, which affords the principal means of access to abutting property.
- 219-13. Street, Private.
A non-dedicated right-of-way permitted by the Township only if specific standards and improvements are so established and effected by the Township.
- 219-14. Structure.
Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- 219-15. Subaqueous Area
Any pond, lake, river, stream, marsh, swamp or other similar area.
- 219-16. Subaqueous Area, High Water Elevation.
The high water elevation of a subaqueous area shall be the highest of the following: 1) the highest known elevation reached by water as determined by an examination of soil and vegetative conditions, 2) the maximum water elevation caused by a 10-year storm event, or 3) the highest level established by law for bodies of water which have their levels established by law.
- 219-17. Supermarket

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See definition for "Food Store, Supermarket."

219-18. Swimming Pool.

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

SECTION 220. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "T"

220-1. Temporary Daily Outdoor Display.

A daily outdoor display is described as the placement of a portable product that is typically sold by a particular business that a retail business owner may wish to place outside the building on a daily basis for seasonal marketing purposes as provided for in this Ordinance.

220-2. Temporary Outdoor Sales.

Temporary outdoor sales are sales which are conducted outside the walls or screen enclosed yards of the building which houses the sale proprietor. Such sales shall be for a period of time not longer than one (1) month and shall not be conducted by any one establishment or from any one business location more than two (2) times in any six (6) month period.

220-3. Temporary Outdoor Storage

Temporary outdoor storage is described as the placement of a portable product that is typically sold by a particular business that a retail business owner may wish to place outside the building for a short period of time when a shipment of seasonal products are delivered to the store as provided for in this Ordinance.

220-4. Temporary Outdoor Seasonal Stock

Seasonal outdoor stock is described as the placement of a product that is typically sold by a particular business that a retail business owner may wish to place outside the building for a specified period of time as provided for in this Ordinance.

220-5. Temporary Use or Temporary Building.

A use or building permitted to exist during a specified period of time under conditions and procedures as provided for in this Ordinance.

220-6. Township Board.

Is the duly elected Board of Trustees of the Township.

220-7. Township.

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Amended: February 11, 2004
Amended: December 13, 2006

The Township of Highland, Oakland County, Michigan.

220-8. Reserved.

220-9. Trade Schools.

A trade school is any school other than a public secondary school where the principal course of instruction is to prepare students to participate in a trade. Trade schools are not colleges or universities or other institutions of liberal arts or professional education.

220-10. Transfer Station.

An area where sludge, household or commercial wastes are temporarily stored awaiting permanent disposal.

SECTION 221. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "U"

221-1. Use.

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

SECTION 222. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "V"

222-1. Reserved

SECTION 223. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "W"

223-1. Watchman's Quarters

A dwelling unit on a non-residential property which is accessory to the principle non-residential use and is regulated by the special use approval process as to size, occupancy, location and building style that is deemed appropriate for the size and character of the principal non-residential use.

223-2. Water Table

The highest elevation that groundwater regularly reaches during seasonal fluctuations, below which all void space is filled with water. The elevation of the water table is evidenced by either standing water within an excavation or mottling of the soil. Mottling occurs as a result of regular saturation of the soil by groundwater. The elevation of the water table shall be set at the groundwater elevation or at the top of mottling, whichever is higher.

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223-3 Water Table - Mottling

The discoloration, irregular patterning and unusual mingling of soils that is generally the result of regular saturation by groundwater. Mottling is usually apparent during an inspection of the side walls of an excavation.

223-4 Water Table - Perched

W water table that results when percolating water reaches an impervious layer (clay, stone, etc.) below the ground surface. The void spaces below a perched water table are not filled with water. The impervious layer prevents water from passing and the water is, therefore, "perched" on the impervious layer.

223-5 Wireless Communication Antenna (WCA)

Any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antennas, satellite antennas, those which receive video programming services via multi-point distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals.

223-6. Wireless Communication Facilities (WCF)

All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, ham, amateur radio facilities, and satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition.

223-7. Wireless Communication Support Facilities (WCSF)

A monopole, guyed, or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

SECTION 224. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "X"

224-1. Reserved

SECTION 225. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "Y"

225-1. Yards, Required.

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The open spaces on the same lot with a principal building as defined below:

- a. Front Yard: An open space extending the full width of the lot from each front lot line of the lot to the corresponding front yard setback line, and from one of the lines which intersect the front lot line and the front yard setback line to the opposite line which intersects the front lot line and the front yard setback line.
- b. Rear Yard: An open space extending the full width of the lot from the rear lot line of the lot to the corresponding rear yard setback line, and from one of the lines which intersect the rear lot line and the rear yard setback line to the opposite line which intersects the rear lot line and the rear yard setback line.
- c. Side Yard: An open space extending from any side lot line to the corresponding side yard setback line and from one intersecting front yard setback line to the opposite yard setback line.

225-2. Yards, Unrequired

Any yard area which lies between a yard setback line and the nearest point of a building on the same lot, and which does not lie in any required yard area.

225-3. Yard Setbacks

- a. Front yard setback: The minimum horizontal distance between the front lot line and the nearest point of any accessory or principal building. The distance must be measured perpendicular to the front lot line.
- b. Rear Yard Setback: The minimum horizontal distance between the rear lot line and the nearest point of any accessory or principal building. The distance must be measured perpendicular to the rear yard lot line.
- c. Side Yard Setback: The minimum horizontal distance between the side yard lot line and the nearest point of any accessory or principal building.

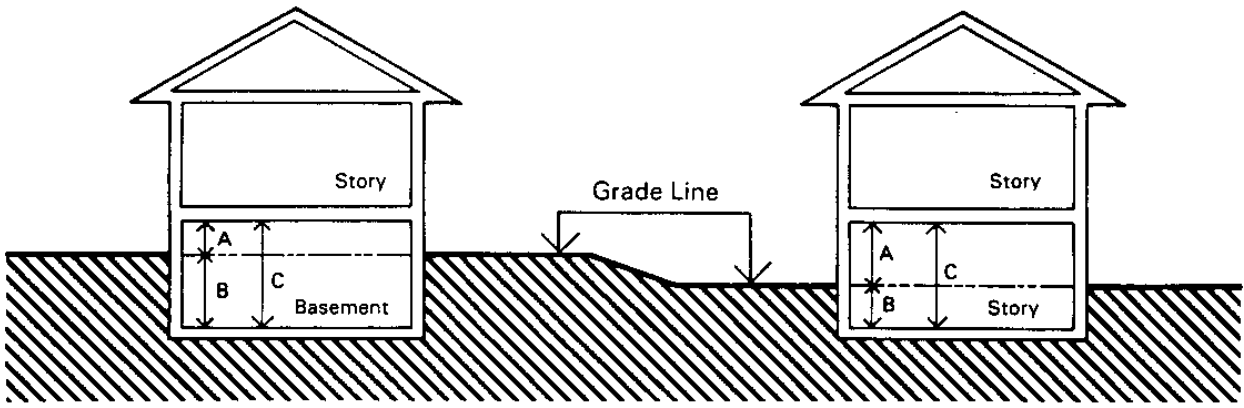
225-4. Yard Setback Lines

Yard setback lines are the lines delineated by the minimum front, rear and side yard setbacks measured perpendicular to the front, rear and side lot lines. Yard setback lines are illustrated in Figure 2.5.

SECTION 226. DEFINITIONS FOR TERMS AND WORDS BEGINNING WITH "Z"

226.1 Reserved

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When "A" is less than "B", "C" is a basement.

When "A" is greater than "B", "C" is a story.

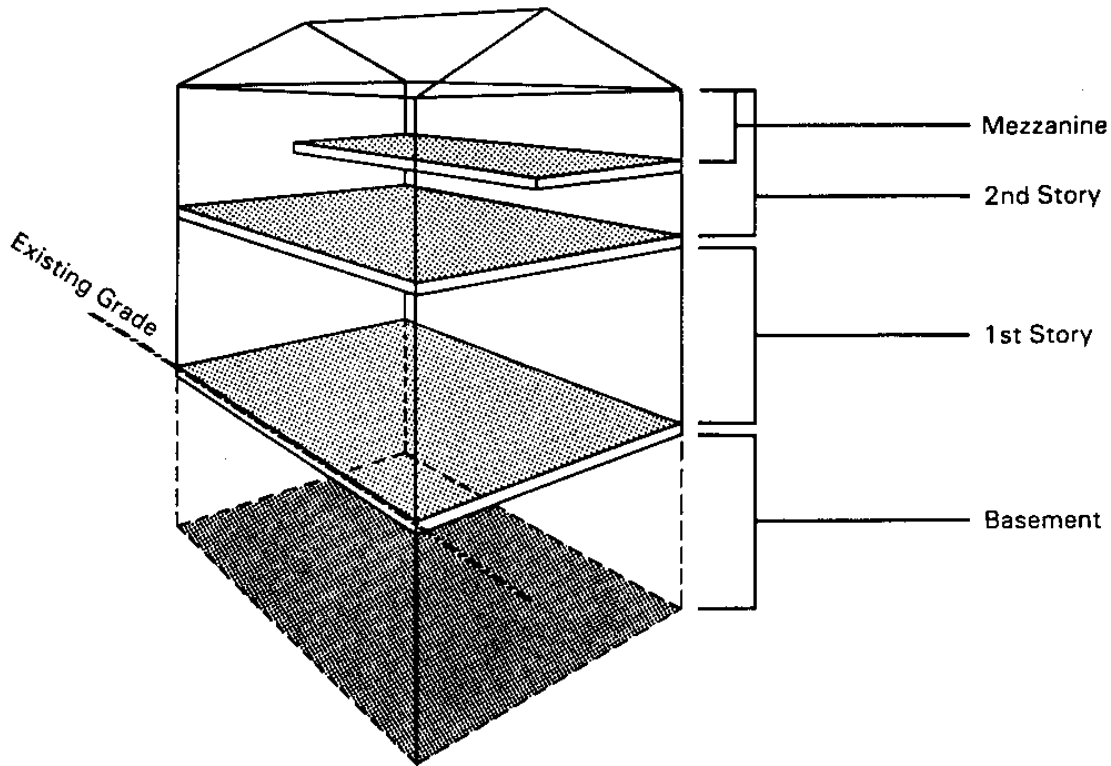
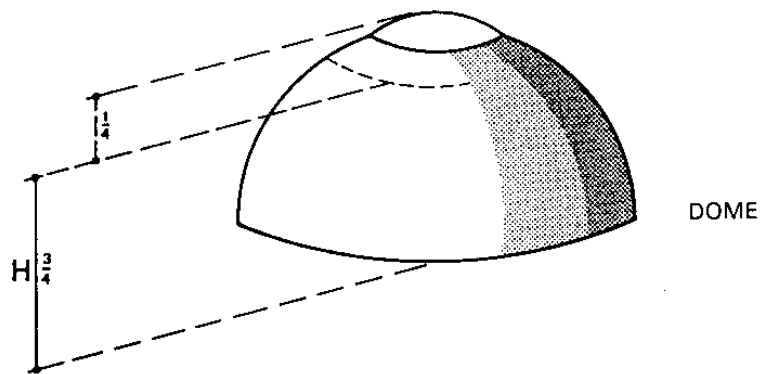
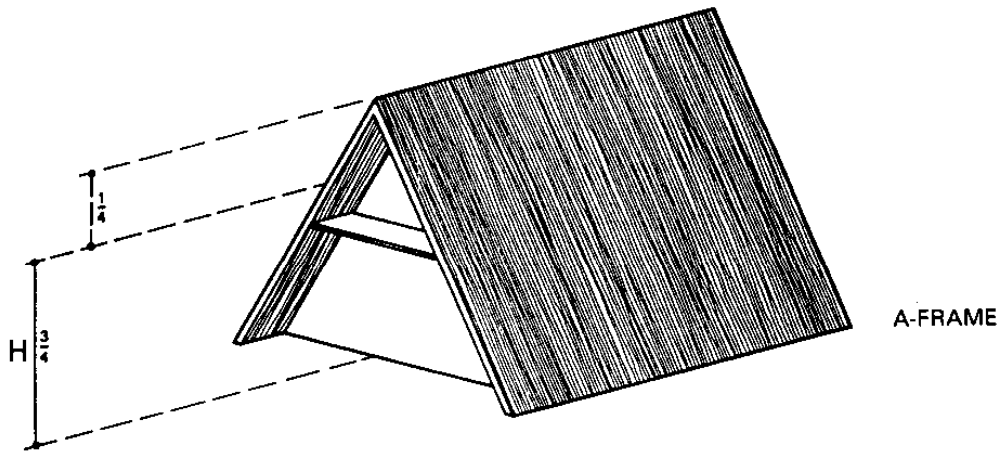
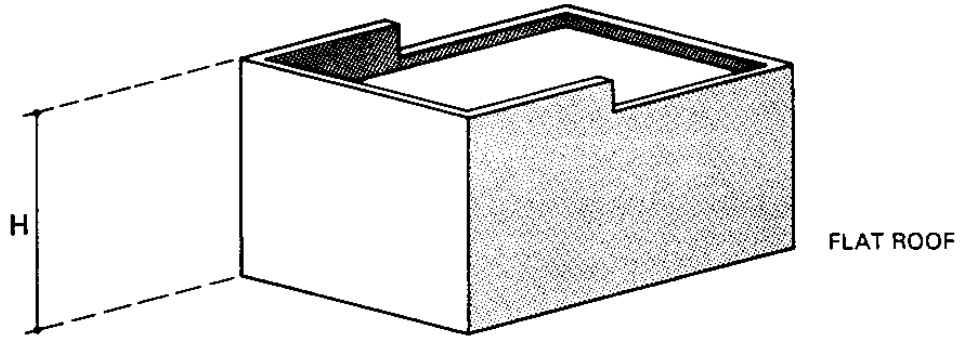


FIGURE 2.1

BASEMENT AND STORY

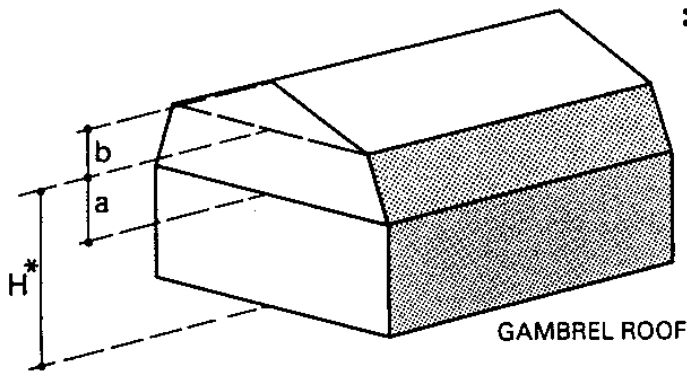
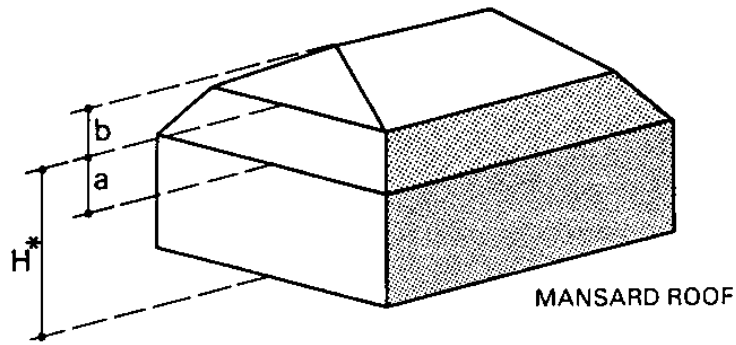
Enacted: October 11, 2000
 Amended: September 26, 2001
 Amended: October 22, 2003
 Amended: February 11, 2004
 Amended: December 13, 2006



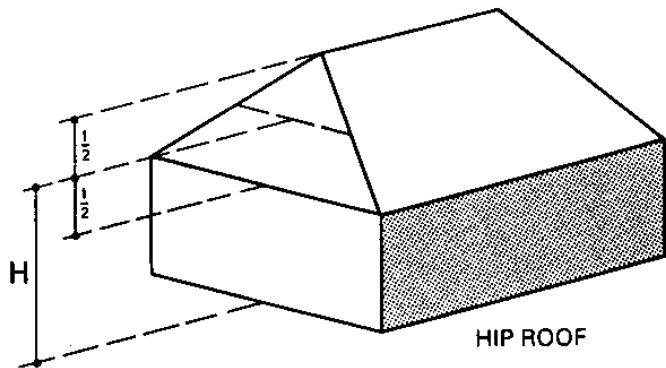
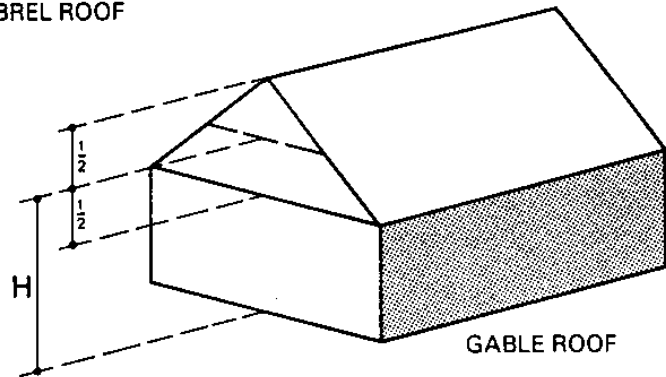
H = Height of Building

FIGURE 2.2
BUILDING HEIGHT

Enacted: October 11, 2000
 Amended: September 26, 2001
 Amended: October 22, 2003
 Amended: February 11, 2004
 Amended: December 13, 2006



* Measure H as shown when "a" is equal to or greater than "b". If "b" is greater than "a", measure H from a point equidistant between the highest point on the ridge and the lowest point on the eaves.



H = Height of Building

FIGURE 2.3
BUILDING HEIGHT

Enacted: October 11, 2000
 Amended: September 26, 2001
 Amended: October 22, 2003
 Amended: February 11, 2004
 Amended: December 13, 2006

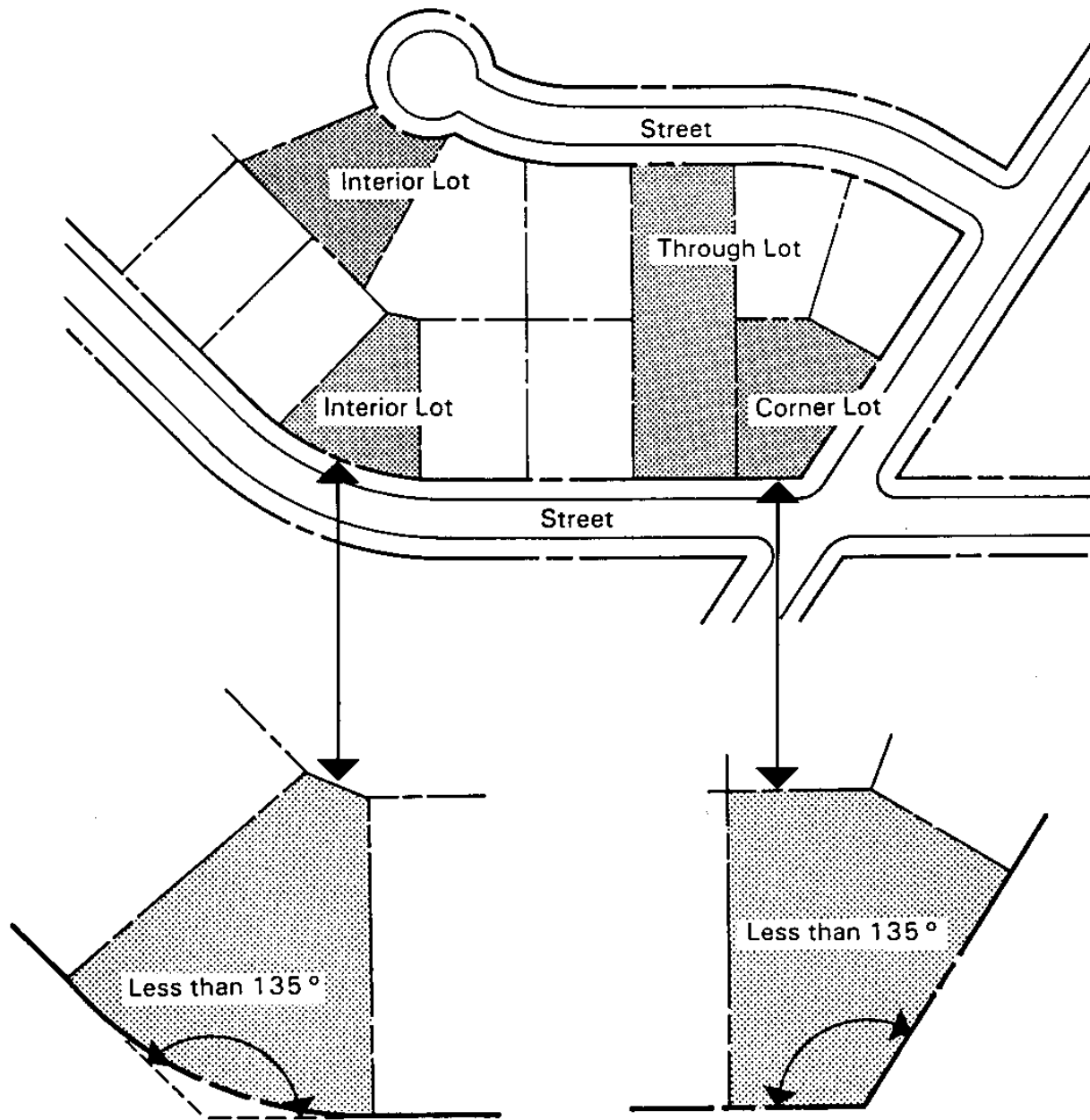
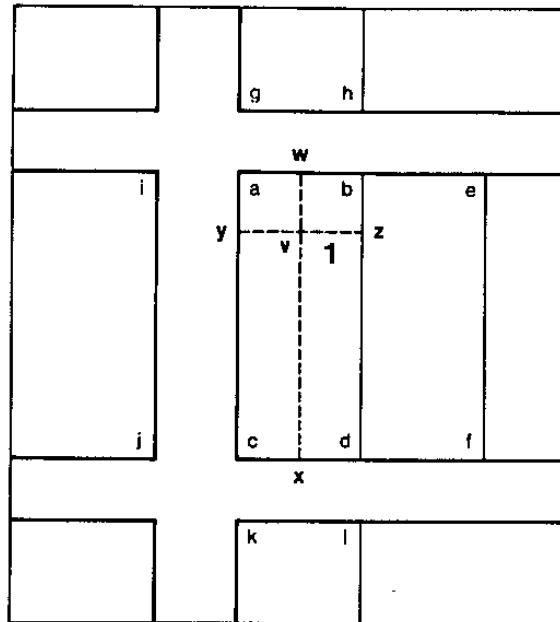


FIGURE 2.4

CORNER, INTERIOR, AND THROUGH LOTS

Amended: September 26, 2001
 Amended: October 22, 2003
 Amended: February 11, 2004
 Amended: December 13, 2006



LOT 1 is not sufficiently wide or deep to be divided into two or more lots.

FRONT LOT LINES: ab when be is a front lot line or when gh is a front lot line or when cd is a front lot line.

ac when ij is a front lot line.

cd when df is a front lot line or when kl is a front lot line or when ab is a front lot line.

If, based on the foregoing criteria, fewer than two lot lines are designated as front lot lines, then the property owner shall designate one or more additional lot lines so that the lot will have at least two front lot lines.

REAR LOT LINES: none.

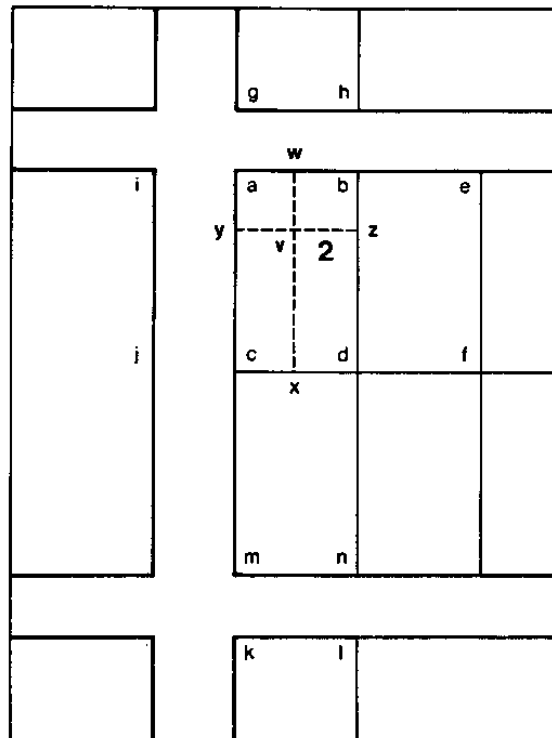
SIDE LOT LINES: bd.

LOT WIDTH: the shortest front lot line.

LOT DEPTH: wx when ab is the shortest front lot line and when $aw = wb$ and $cx = xd$.

FIGURE 2.5, a

LOT LINES, LOT DEPTH AND LOT WIDTH FOR RECTANGULAR CORNER LOTS BOUNDED BY THREE STREETS (LOT 1)



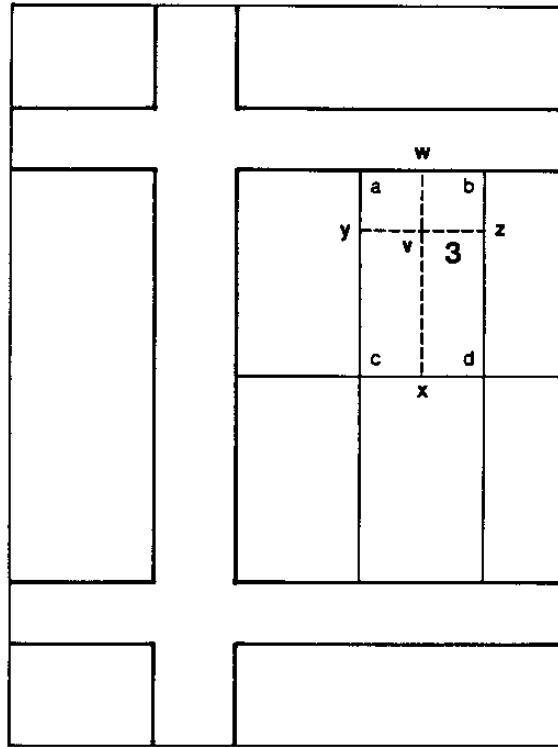
LOT 2 is not sufficiently wide or deep to be divided into two or more lots.

- FRONT LOT LINES:** ab when be is a front lot line or gh is a front lot line.
 ac when ij is a front lot line or cm is a front lot.
 If, based on the foregoing criteria, neither of the lot lines which separate a lot from a street or road right-of-way is designated as a front lot line then the property owner shall designate at least one front lot line.
- REAR LOT LINES:** none if ab and ac are both front lot lines.
 bd if ac is a front lot line and ab is not a front lot line.
 cd if ab is a front lot line and ac is not a front lot line.
- SIDE LOT LINES:** those lines not designated as front or rear lot lines.
- LOT WIDTH:** the shortest front lot line.
- LOT DEPTH:** wx when ab is the shortest front lot line and when aw = wb and cx = xd.

FIGURE 2.5, b

LOT LINES, LOT DEPTH AND LOT WIDTH FOR RECTANGULAR CORNER LOTS BOUNDED BY TWO STREETS (LOT 2)

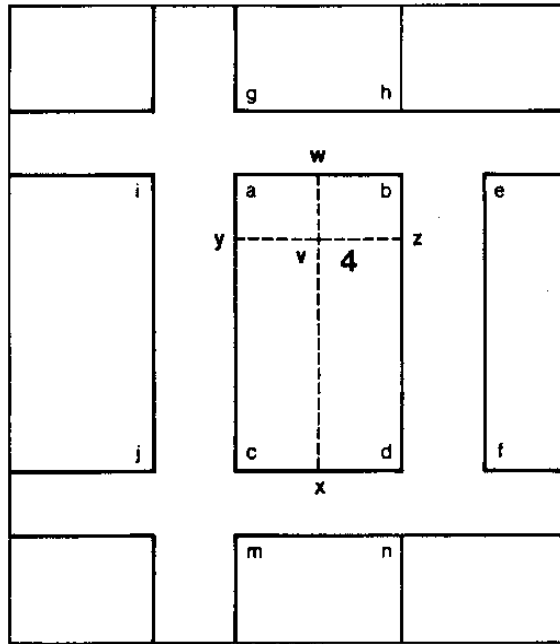
Amended: September 26, 2001
 Amended: October 22, 2003
 Amended: February 11, 2004
 Amended: December 13, 2006



LOT 3

- FRONT LOT LINE: $ab.$
 REAR LOT LINE: $cd.$
 SIDE LOT LINES: ac and $bd.$
 LOT WIDTH: the shortest front lot line.
 LOT DEPTH: wx when $aw = wb$ and $cx = xd.$

FIGURE 2.5, c
 LOT LINES, LOT DEPTH AND
 LOT WIDTH FOR RECTANGULAR
 INTERIOR LOTS FOR (LOT 3)



LOT 4 is not sufficiently wide or deep to be divided into two or more lots.

FRONT LOT LINES: ab when gh is a front lot line or when cd is a front lot line.

bd when ef is a front lot line or when ac is a front lot line.

cd when mn is a front lot line or when ab is a front lot line.

ac when ij is a front lot line or when bd is a front lot line.

If, based on the foregoing criteria, fewer than three lots are designated as front lot lines, then the property owner will designate one or more additional front lot lines so that the property will have at least three front lot lines.

REAR LOT LINES: none.

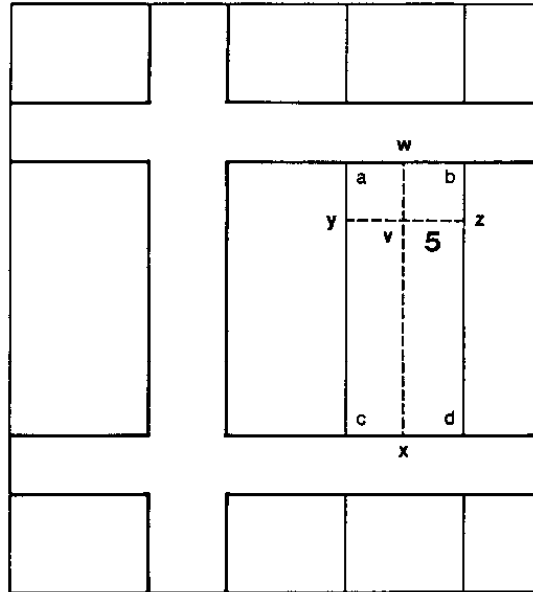
SIDE LOT LINES: those lines not designated as front lot lines.

LOT WIDTH: the shortest front lot line.

LOT DEPTH: wx when ab is the shortest front lot line and when aw = wb and cx = xd.

FIGURE 2.5

LOT LINES, LOT DEPTH AND LOT WIDTH FOR RECTANGULAR ISLAND LOTS (LOT 4)



FRONT LOT LINES: ab and cd.

REAR LOT LINES: none.

SIDE LOT LINES: ac and bd.

LOT WIDTH: the shortest front lot line.

LOT DEPTH: wx when $aw = wb$ and $cx = xd$.

FIGURE 2.5, e
 LOT LINES, LOT DEPTH AND
 LOT WIDTH FOR RECTANGULAR
 THROUGH LOTS (LOT 5)

Enz
 Amended: September 26, 2001
 Amended: October 22, 2003
 Amended: February 11, 2004
 Amended: December 13, 2006

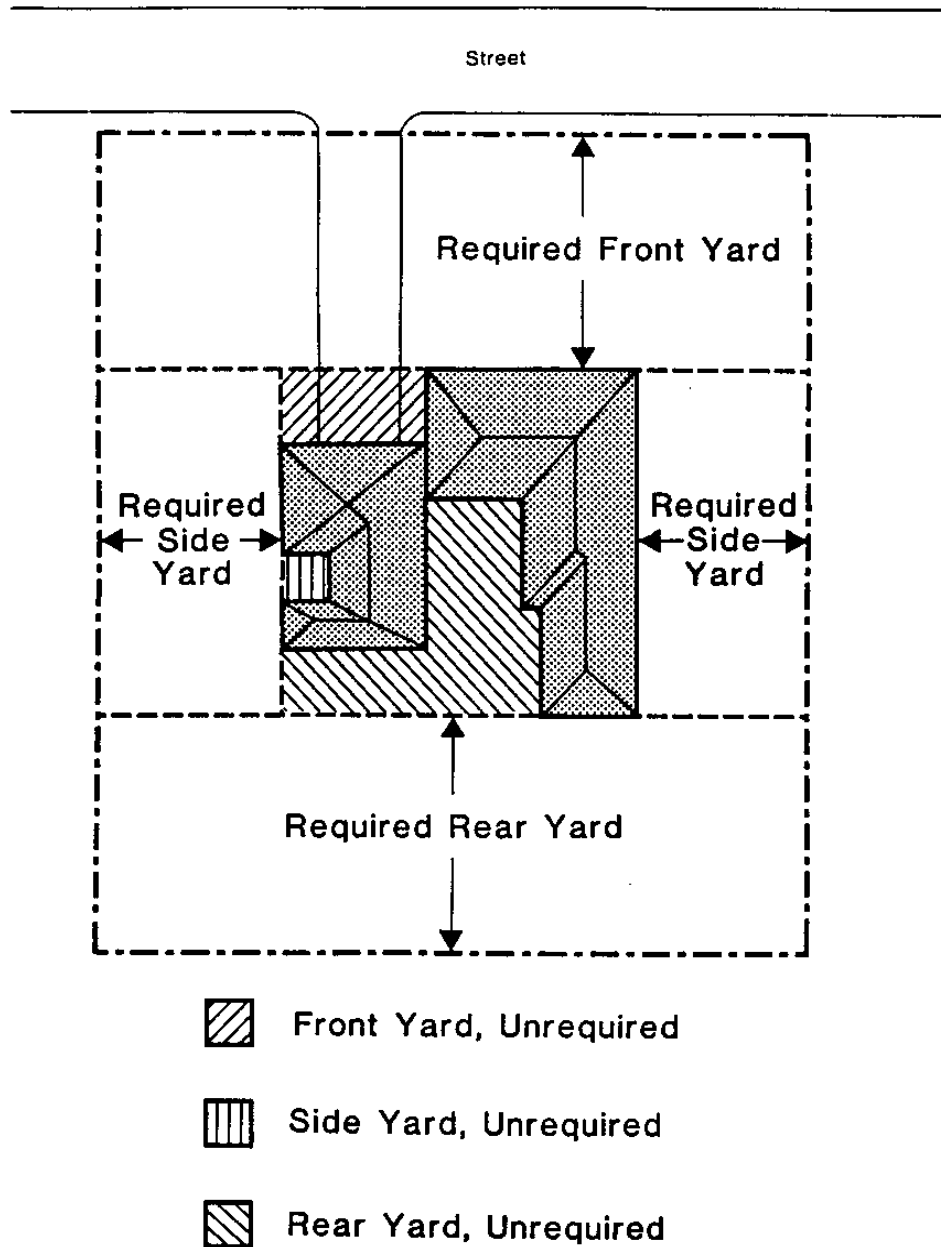


FIGURE 2.5, f

INTERIOR LOT YARDS

Amended: September 26, 2001
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 Amended: February 11, 2004
 Amended: December 13, 2006

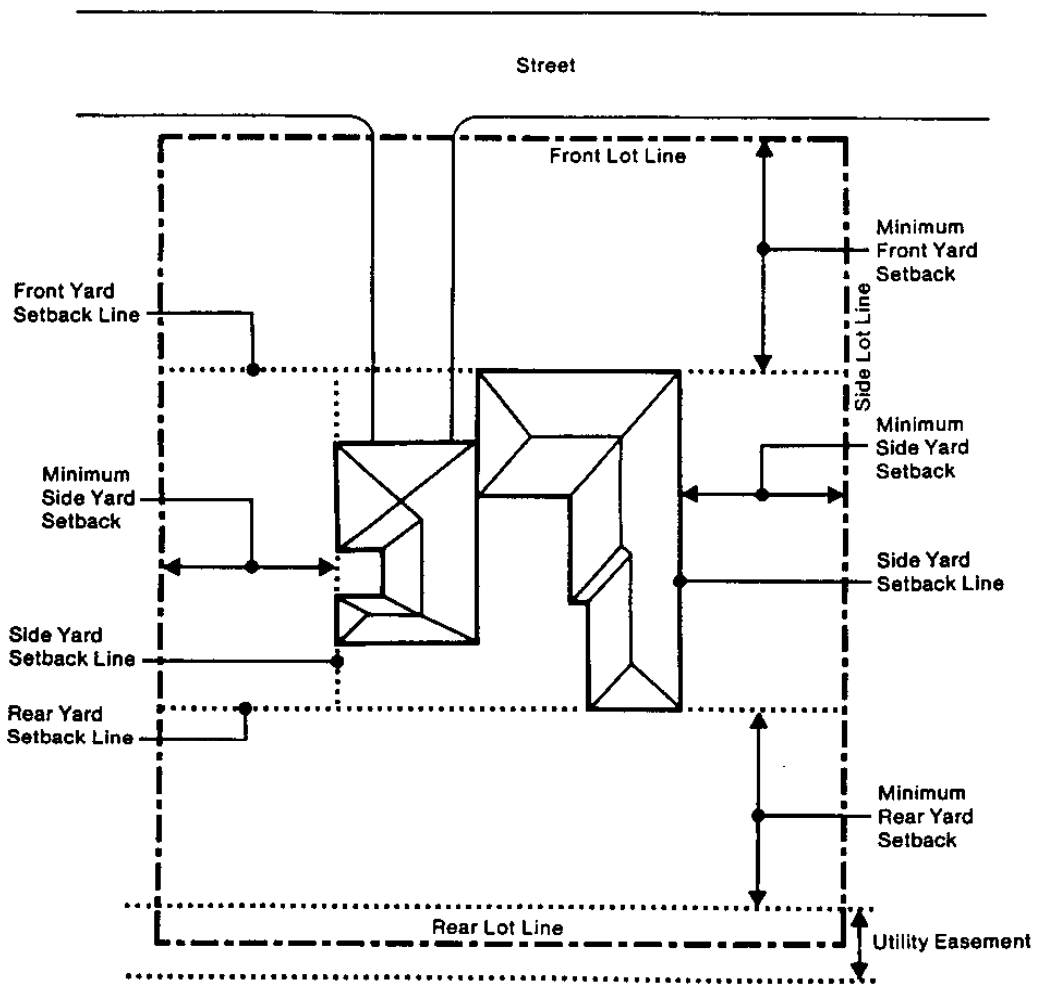
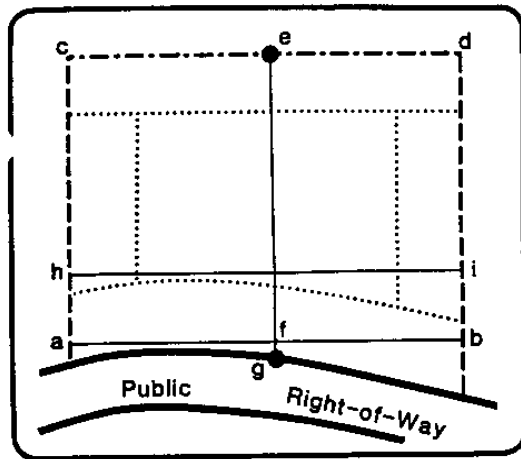
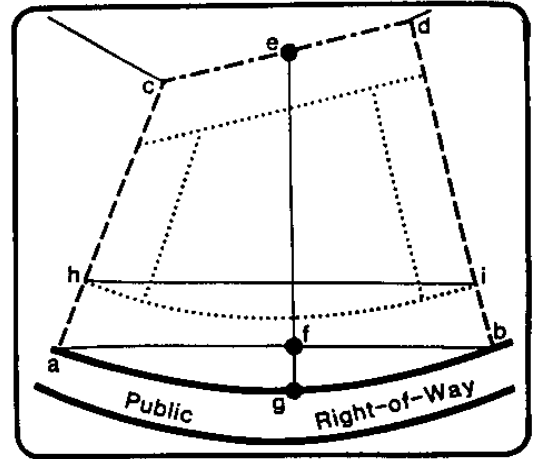


FIGURE 2.5, g
INTERIOR SETBACKS

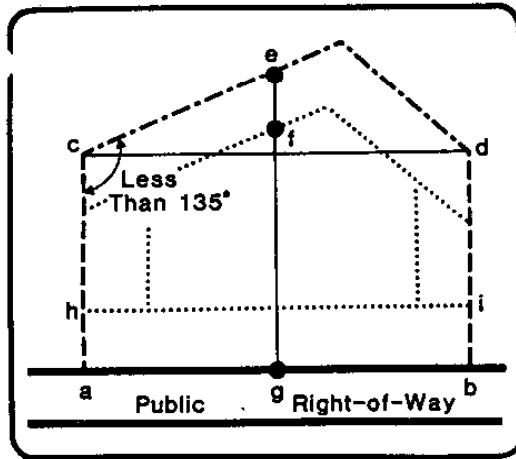
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 Amended: September 26, 2001
 Amended: October 22, 2003
 Amended: February 11, 2004
 Amended: December 13, 2006



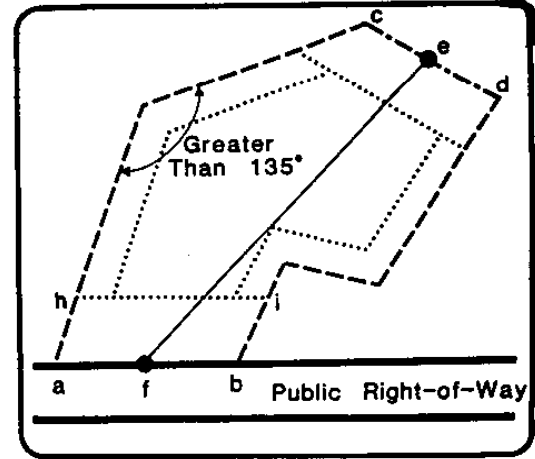
FRONT LOT LINE: ———
 SIDE LOT LINE: - - - - -
 REAR LOT LINE: ·····
 SETBACK LINE: ·····
 LOT WIDTH: \overline{hi}
 LOT DEPTH: \overline{efg} when
 $\overline{af} = \overline{fb}$ and
 $\overline{ce} = \overline{ed}$



FRONT LOT LINE: ———
 SIDE LOT LINE: - - - - -
 REAR LOT LINE: ·····
 SETBACK LINE: ·····
 LOT WIDTH: \overline{hi}
 LOT DEPTH: \overline{efg} when
 $\overline{af} = \overline{fb}$ and
 $\overline{ce} = \overline{ed}$



FRONT LOT LINE: ———
 SIDE LOT LINE: - - - - -
 REAR LOT LINE: ·····
 SETBACK LINE: ·····
 LOT WIDTH: \overline{hi}
 LOT DEPTH: \overline{efg} when
 $\overline{ag} = \overline{gb}$ and
 $\overline{ef} = \overline{fd}$



FRONT LOT LINE: ———
 SIDE LOT LINE: - - - - -
 REAR LOT LINE: ·····
 SETBACK LINE: ·····
 LOT WIDTH: \overline{hi}
 LOT DEPTH: \overline{ef} when
 $\overline{af} = \overline{fb}$ and
 $\overline{ce} = \overline{ed}$

FIGURE 2.6
 LOT LINES, LOT WIDTH AND LOT DEPTH
 FOR NON-RECTANGULAR LOTS