

## ARTICLE 2

### RULES OF CONSTRUCTION AND DEFINITIONS

#### SECTION 2.01 RULES OF INTERPRETATION

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The particular shall control the general.
- B. 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.
- C. The word “person” includes a firm, association, organization, partnership, trust, corporation, or company as well as an individual.
- D. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
- E. The word “shall” is mandatory; the word “may” is permissive.
- F. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged to be used” or “occupied.”
- G. A “building” or “structure” includes any part thereof.
- H. 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:
  - “*And*” indicates that all the connected items, conditions, provisions, or events shall apply.
  - “*Or*” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - “*Either...or*” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

#### SECTION 2.02 DEFINITIONS BEGINNING WITH THE LETTER “A”

**ACCESSORY USE, BUILDING OR STRUCTURE.** A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

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

**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 in this Ordinance as altered or reconstructed.

**ANIMAL.** A nonhuman zoological species.

**ANIMAL FEED OPERATIONS (AFOs).** Any agricultural operations where animals are kept and raised in confined situations for a total of forty-five (45) days or more in any twelve (12) month period. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures. AFOs that meet the regulatory definition of a concentrated animal feeding operation (CAFO) have the potential of being regulated under the National Pollutant Discharge Elimination System (NPDES) permitting program as regulated by the Environmental Protection Agency (EPA).

**AUTOMOBILE COLLISION REPAIR FACILITY.** A facility which offers and provides for, vehicle frame straightening, repair or replacement of vehicle sheet metal, vehicle painting or repainting, and similar related services.

**AUTOMOBILE GAS STATION.** A building or premises used primarily 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 services for motor vehicles such as filling tires with air, checking fluid levels, adding water to batteries or radiators, and similar activities; as well as selling convenience foods and other such items through a convenience store. Automobile repair is expressly excluded from this definition.

**AUTOMOBILE OIL CHANGING STATION.** A building or premises used primarily for the dispensing, sale, or offering for sale of motor oil and other fluids directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as filling tires with air, checking fluid levels, adding water to batteries or radiators, and similar activities.

**AUTOMOBILE PARTS AND ACCESSORY STORE.** An establishment whose principal business activity is the sale of automobile parts and accessories.

**AUTOMOBILE REPAIR FACILITY.** A facility which offers and provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs, including, collision shops, transmission repair shops, shops used for the internal repair or engine components and drive train repair, and radiator repair shops.

**AUTOMOBILE WASHING FACILITY.** A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

**SECTION 2.03      DEFINITIONS BEGINNING WITH THE LETTER “B”**

**BANQUET/MEETING HALL.** A building or part of a building used for the purposes of entertaining a large group of people where food and beverage may be provided; and where a catering facility may be included. This use shall also include a building or part thereof in which facilities are provided for such purposes as meeting for groups of civic, educational, political, religious or social purposes.

**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 or equal to 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.

**BED AND BREAKFAST.** A structure which is occupied on a permanent basis by a family or household which rents rooms to individuals and/or families on a daily or weekly basis. Rented rooms shall not include cooking facilities.

**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 any other barrier to the continuity of development or corporate boundary lines of the Township.

**BUILDABLE AREA.** That area of a lot which is free of all public rights-of-way, all private road easements, all natural hazard areas 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 development in which a lot is located shall not be excluded from the calculations of the minimum buildable area for that lot. It shall be of such configuration as to permit construction of a home and placement of an initial and replacement septic field.

**BUILDING.** A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

**BUILDING HEIGHT.** The vertical distance measured from grade to the highest point of flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs.

**SECTION 2.04      DEFINITIONS BEGINNING WITH THE LETTER “C”**

**CAMPGROUND.** A parcel in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for tents or recreational vehicles.

**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. Catering facilities do not include banquet facilities where food is served.

**CHURCH, TEMPLES AND SIMILAR PLACES OF WORSHIP.** A site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith. Such accessory uses may include rectories, living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care, outdoor recreation facilities (unlighted), religious office space, youth centers and other similar activities. Rescue missions tent revivals and other temporary assemblies are not included in this definition.

For purposes of this Ordinance, a large scale church, temple and similar place of worship shall mean a religious institution with a seating capacity of one thousand five hundred (1,500) people or more in its sanctuary or main area of assembly or more than five hundred (500) parking spaces. A large scale religious institution may also be characterized by any one or more of the following features: region-serving accessory facilities such as high schools, colleges, and seminaries; one or more buildings one hundred thousand (100,000) square feet in floor area or greater; or other features. Large scale religious institutions are distinguished by such features as: large size of assemblies and resultant traffic surges, large off-street parking lots, retreat and conference centers, or major institutional character. Large scale religious institutions have negative impacts on one-family residential areas because of scale of buildings, parking, traffic and frequency of use, which are different from smaller religious institutions which have traditionally been compatible with single family areas. Because of these impacts, large scale religious institutions are more compatible with nonresidential districts, subject to conditions, which minimize the impacts.

**CLUB.** Buildings and facilities owned and operated by a corporation or association or persons for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as a business.

**COLLEGE / UNIVERSITY.** An institution other than a trade school that provides full-time or part-time education beyond high school.

**COMMERCIAL VEHICLE.** Any vehicle bearing or required to bear commercial license plates or falls into one or more of the categories listed below:

- A. Truck tractors;
- B. Semi-trailers, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-style enclosures;
- C. Vehicles of a type that are commonly used for the delivery of bread, fruit, milk and ice cream or similar vending supply or delivery trucks. This category shall also include vehicles similar in nature that are commonly used by construction-oriented contractors, such as electricians and plumbers;

- D. Tow trucks;
- E. Commercial hauling trucks;
- F. Vehicle repair service trucks;
- G. Snow plowing trucks;
- H. Passenger buses, taxis and limousines; and
- I. Any other vehicle similar to the vehicles listed in A through H above.

**CONDOMINIUM.** Condominiums shall include the following elements:

- A. **CONDOMINIUM ACT.** Refers to Act 59 of the Public Acts of 1978, as amended.
- B. **CONDOMINIUM DOCUMENTS.** The master deed, recorded pursuant to the Condominium Act, 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.
- C. **CONDOMINIUM LOT.** The condominium unit including the contiguous limited common element surrounding the condominium unit, which shall be considered a lot as defined by this Ordinance.
- D. **CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **GENERAL COMMON ELEMENT.** The common elements other than the limited common elements reserved in the master deed for use by all of the co-owners.
- F. **LIMITED COMMON ELEMENT.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **MASTER DEED.** The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference with the bylaws for the project and the condominium subdivision plan for the project.
- H. **SITE CONDOMINIUM.** A condominium development in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit. Such developments are also described in the Master Deed.

**CONVALESCENT OR NURSING HOME.** A state licensed facility for the care of children, of the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State law even though State law has different size regulations.

**CREMATORIUM.** A facility intended and equipped for use in the act of cremation.

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**SECTION 2.05 DEFINITIONS BEGINNING WITH THE LETTER "D"**

**DAY CARE FACILITY.** Means the following:

- A. **CHILD CARE CENTER.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian. The facility is generally described as a child-care center, day-care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. The term "day-care center" does not include any of the following:
1. A Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
  2. A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.
- B. **GROUP CHILD CARE HOME.** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (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. The term "group child care home" includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. The owner of the child group day-care home business must also be the owner and resident of the private home.
- C. **FAMILY CHILD CARE HOME.** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (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. The term "family child care home" includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. The owner of the child family day care home business must also be the owner and resident of the private home.
- D. **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 sixteen (16) hours in a twenty-four (24) hour period.
- E. **ADULT CARE CENTERS.** A center other than a private residence, in which more than six (6) adults are supervised and receive group care for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period.

**DEALERSHIP.** A building or premises used primarily for the sale or rental of new and used automobiles, trucks, boats, recreational vehicles and other motor vehicles, and which may include accessory repair facilities and outside storage and display areas.

**DECK.** A structure without a roof having a foundation to hold it erect, and attached to or abutting one or more walls of a building or constructed separately from a building, with or without direct access to the ground, the floor of which is above finished grade, and intended for use as an outdoor living area.

**DENSITY, RESIDENTIAL.** The number of dwelling units in relation to the number of net developable acres of the lot on which such units are situated.

**DRIVE-THROUGH FACILITY.** An establishment that is designed to permit customers to receive products or services while remaining seated in a motor vehicle.

**DRIVING RANGE.** An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop, but excludes miniature golf courses and “putt-putt” courses.

**DWELLING AREA.** The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms.

**DWELLING, MULTIPLE-FAMILY.** A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing two (2) or more dwelling units.

**DWELLING, SINGLE-FAMILY.** A building containing not more than one (1) dwelling unit.

**DWELLING, SINGLE-FAMILY ATTACHED.** A building containing dwelling units, each of which has primary private ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

**DWELLING UNIT.** One or more rooms connected together with principal kitchen and bathroom facilities designed as a unit for residence by only one (1) family for living and sleeping purposes, constituting a separate, independent housekeeping establishment, and physically separated from any other rooms or dwelling units which might be in the same structure.

**SECTION 2.06      DEFINITIONS BEGINNING WITH THE LETTER “E”**

**EASEMENT.** The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses. In the context of this Ordinance, private road easements shall be designated for purposes of vehicle ingress and egress.

**ESSENTIAL SERVICES.** The term "essential services" shall mean the erection, construction, alterations, or maintenance by public utilities or municipal departments, commissions, or boards, or by other government agencies of underground, surface, or overhead gas, electric, steam, or water transmission or distribution system, collection, communications, supply or disposal systems, dams, weirs, culverts, bridges, canals, locks, poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or other government agencies, or for the public health, safety, or general welfare, but not including buildings other than those buildings which are primarily enclosures or shelters for the installed central services equipment.

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

- A. **ELDERLY HOUSING – INDEPENDENT.** Is a multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.
- B. **ELDERLY HOUSING – DEPENDENT.** Is a multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may not contain cooking facilities, but must contain sanitary facilities.
- C. **CONGREGATE CARE.** A dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option. Limited medical care is available.
- D. **ASSISTED LIVING.** A dependent elderly housing facility without cooking facilities and only central dining service. Limited medical care is available.
- E. **SENIOR APARTMENTS.** Multiple-family dwelling units for independent living.

**EQUESTRIAN SPORTS ACADEMY.** Any establishment where horses are kept for training, riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

## **SECTION 2.07 DEFINITIONS BEGINNING WITH THE LETTER “F”**

**FAMILY.** An individual or a group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than three (3) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

**FARM BUILDINGS.** Any building or structure, other than a dwelling, erected, moved upon, or used on a farm, which is essential and customarily used on farms of that type for pursuit of agricultural activities.

**FENCE.** An enclosure or obscuring screen, especially an enclosing barrier erected to prevent straying from within or intrusion.

**FENCE, DECORATIVE.** A structure intended primarily for ornamental purposes. A decorative fence shall be any fence which, by definition, is not to be considered a protective or security fence, a chain link fence or a privacy fence.

**FLOODPLAIN.** Area of land adjoining a river, stream, or other body of water that is susceptible to being inundated by flood waters.

**FLOOR AREA, GROSS.** The floor area within the inside perimeter of the exterior walls of a building under consideration.

**FLOOR AREA, NET.** Measurement of the actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

**FLOOR AREA RATIO.** Is the gross building square footage divided by the site size square footage.

**FOOTCANDLE.** A measure of illumination.

**FOSTER CARE.** Provisions of supervision, personal care and protection in addition to room and board for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.

**FOSTER CARE FACILITIES, ADULT.** A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision or an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, 218 of 1979, MCL 400.701, as amended. The types of licensed adult foster care facilities include the following:

- A. **FOSTER CARE SMALL GROUP HOME, ADULT.** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- B. **FOSTER CARE LARGE GROUP HOME, ADULT.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

- C. **FOSTER CARE FAMILY HOME, ADULT.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- D. **FOSTER CARE CONGREGATE FACILITY, ADULT.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

#### **FOSTER CARE FACILITIES, CHILD.**

- A. **FOSTER FAMILY HOME.** A private residence in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, are provided care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- B. **FOSTER FAMILY GROUP HOME.** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are provided care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

#### **SECTION 2.08 DEFINITIONS BEGINNING WITH THE LETTER "G"**

**GARAGE, PRIVATE.** An accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only and having no public sales or shop services in connection therewith.

**GLARE.** Direct light emitted by a lamp, luminous tube lighting or other light source.

**GOLF COURSE.** A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

**GOLF COURSE, MINIATURE.** A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

**GOLF COURSE, PAR 3.** A golf course that is a shorter, lower-par course than a regulation 18-hole course. A par-3 course is often only nine holes in length.

**GRADE, FINISHED.** The final elevation of the ground surface after development.

**GRADE, NATURAL.** The elevation of the ground surface in its natural state, before man-made alternations.

## **SECTION 2.09 DEFINITIONS BEGINNING WITH THE LETTER “H”**

**HAZARDOUS SUBSTANCES.** Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are considered hazardous substances for the purpose of this ordinance.

**HOME OCCUPATION.** An occupation that is clearly incidental and subordinate to the principal residential use that is carried on in the home by a resident member of the family.

**HOSPITAL.** An institution providing health services primarily for in-patient medical or surgical care of the sick or injured, and includes related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are integral parts of the facilities.

**HOTEL.** A building with a common entrance or entrances in which the rental 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.

## **SECTION 2.10 DEFINITIONS BEGINNING WITH THE LETTER “I”**

**INSTITUTIONAL USES.** Public, parochial and private schools; colleges; libraries; community buildings; and municipal facilities.

**INVASIVE SPECIES.** A plant species that evolved in a country or region other than Oakland County, Michigan, and has been introduced by human activity, has no natural controls, and is able to out-compete and gradually displace native plants. A list of prohibited invasive plant species is included in this Ordinance.

## **SECTION 2.11 DEFINITIONS BEGINNING WITH THE LETTER “J”**

**RESERVED.**

## **SECTION 2.12 DEFINITIONS BEGINNING WITH THE LETTER “K”**

**KENNEL.** A kennel shall mean any, building, structure, enclosure or premises where three (3) or more dogs or cats, six (6) months of age or older, are kept for any purpose.

## **SECTION 2.13 DEFINITIONS BEGINNING WITH THE LETTER ‘L’**

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

**LANDSCAPING.** The following definitions shall apply in the application of this Ordinance:

- A. **BERM.** A landscaped mound of earth which blends with the surrounding terrain.
- B. **BUFFER.** A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- C. **GREENBELT.** A landscaped area which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
- D. **PLANT MATERIAL.** A collection of living evergreen and/or deciduous, woody-stemmed trees or ornamental, shrubs, vines and ground cover.

**LARGE SCALE RETAIL ESTABLISHMENT.** A retail establishment, commonly referred to as a “big box” store, which exceeds fifty thousand (50,000) square feet in gross floor area.

**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 fluorescent lighting. A light fixture is a luminary.

**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.

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

**LIVESTOCK.** Farm animals, such as beef cattle, dairy cows, sheep, hogs, chickens, goats and turkeys otherwise known as bovine, equine, swine and ovine raised for home use or for profit, especially on a farm.

**LIVESTOCK PRODUCTION FACILITIES.** Includes all facilities where livestock as defined in this Ordinance and are confined with a capacity of fifty (50) animal units or greater as defined by Michigan Department Agriculture and/or the association of manure storage facilities.

**LOADING SPACE, OFF-STREET.** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is

not to be included as off-street parking space in computation of required off-street parking space.

**LOT.** A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat and for the purpose of this Ordinance refer to the definition of parcel.

**LOT AREA.** The horizontal area within the lines of a parcel.

**LOT COVERAGE.** The area of a parcel covered by a building or buildings, expressed as a percentage of the total parcel area.

**LOT DEPTH.** The distance between the front and the rear lot lines measured at the farthest point.

**LOT FRONTAGE.** The portion of a parcel which abuts or is adjacent to the street. For the purpose of determining minimum lot width, the frontage of only one street shall be used.

**LOT LINES.** The property lines bounding a parcel. Lot lines shall include the following:

- A. **FRONT.** A line separating a parcel from a street right-of-way or road easement.
- B. **REAR.** A line, not intersecting, a front lot line, which is most closely parallel to the front lot line.
- C. **SIDE.** Any lot line which is not a front or rear lot line.  
**See figure XX**

**LOT TYPES.**

- A. **CORNER.** A parcel located at the intersection of two (2) or more streets, where the interior angle does not exceed one hundred thirty-five (135) degrees.
- B. **INTERIOR.** A parcel other than a corner lot with only one (1) frontage on a street.
- C. **IRREGULAR FRONTAGE.** A parcel which cannot conform to the minimum lot width requirements of this ordinance as measured at the front lot line.
- D. **THROUGH OR DOUBLE FRONTAGE LOT.** A parcel other than a corner lot with frontage on more than one (1) street.

**LOT WIDTH.** The length of a straight line measured between the two points where the required front setback intersects the side lot lines.

**LUMENS.** A measurement of the perceived power of light.

## **SECTION 2.14 DEFINITIONS BEGINNING WITH THE LETTER “M”**

**MAJOR THOROUGHFARES.** For the purpose of this Ordinance the following roads are considered Major thoroughfares: Clyde Road, Duck Lake Road, Harvey Lake Road, Hickory Ridge Road, Highland Road (M-59), Livingston Road, Milford Road, Rose Center Road and White Lake Road.

**MANUFACTURED HOME.** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**MANUFACTURED HOME PAD.** That part of a mobile home site specifically designated for the placement of a manufactured home.

**MANUFACTURED HOME PARK.** A parcel or tract of land under the control of a person on which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

**MANUFACTURED HOME SITE.** The entire area which is designated for use by a specific manufactured home.

**MARGINAL ACCESS DRIVE.** A marginal access drive is any drive which provides vehicular access between adjacent parcels without necessitating the use of the adjacent street. 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.

**MASSAGE ESTABLISHMENT.** Means any individual, group of individuals, person or business which engages in the practice of massage as defined herein, and which has a fixed place of business where any person, firm, association, partnership, limited liability company or corporation carries on any of the activities as defined in herein. Massage establishment shall also include, but not be limited to, a Turkish bath parlor, steam bath, sauna, magnetic healing institute, health club, health spa, or physical fitness club or business that offers massages on occasion or incidental to its principal operation, as well as an individual's home where a person is engaged in the practice of massage for consideration. A Massage Establishment engaged in the practice of Massage as defined herein is considered a Regulated Use but not a sexually oriented business for purposes of these regulations.

**MASSAGE THERAPY.** Means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the human body in which the primary intent is to enhance or restore the health and well being of the client. Practice of massage therapy includes complementary methods, including the external application of water, heat, cold, lubrication, salt

scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. Practice of massage therapy does not include medical diagnosis; practice of physical therapy; high-velocity, low-amplitude thrust to a joint; electrical stimulation; application of ultrasound; or prescription of medicines.

**MASTER PLAN.** The Comprehensive Land Use Plan adopted by the Township in accordance with Michigan statute.

**MINERAL MINING AND EXTRACTION.** The removal of natural mineral deposits such as, but not limited to, sand, gravel, clay, stone or other non-metallic or metallic material. Mineral mining and extraction shall not include oil and gas well exploration and installation; excavation associated with a construction project for which a site plan has been approved; or excavation associated with a project conducted by a public agency or utility.

**MOTEL.** A series of attached, semidetached or detached rental units containing bedroom, bathroom and closet space. Such units shall provide for overnight lodging, are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

**MUNICIPAL FACILITIES.** Land or buildings owned or operated by a governmental or other public agency.

#### **SECTION 2.15 DEFINITIONS BEGINNING WITH THE LETTER “N”**

**NATURAL FEATURE.** A wetland or watercourse, including a lake, pond, river, stream, or creek; any flood-prone area; woodlands; steep slopes; and the habitat of rare or endangered plant and animal species.

**NATURE AND WILDLIFE PRESERVE.** A parcel of land which is established for the purpose of preserving and protecting natural communities of plants and animals for their scientific and/or aesthetic interest.

**NON-CONFORMING BUILDING OR STRUCTURE.** A structure or building lawfully constructed that does not conform with the requirements of the district in which it is situated.

**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.

#### **SECTION 2.16 DEFINITIONS BEGINNING WITH THE LETTER “O”**

**ORDINANCE.** The Charter Township of Highland Township Zoning Ordinance and any amendments thereto.

**ORDINARY HIGH WATER MARK.** The line between upland and bottomland which persists

through successive changes in water levels, below which the presence of action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and vegetation. On an inland lake which has a level established by law, it means the highest established level. Where water returns to its natural level as a result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

**OUTDOOR DISPLAY AND SALES.** Placement of portable products that are typically sold by a particular business that may be placed outside the building for marketing purposes.

## **SECTION 2.17 DEFINITIONS BEGINNING WITH THE LETTERS “P” AND “Q”**

**PARCEL.** A continuous area or tract of land. A parcel may consist of acreage, a lot, a combination of lots, a condominium unit in a condominium subdivision plan, as reflected in the Township tax map.

**PARKING FACILITY, OFF-STREET.** A land surface or area 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 motor vehicles.

**PARKING SPACE.** One (1) unit of parking facility provided for the parking of one (1) vehicle.

**PLANNING COMMISSION.** The Charter Township of Highland Planning Commission.

**PLAY STRUCTURE.** A freestanding accessory structure used primarily by children for recreational and play activities.

**PRINCIPAL STRUCTURE.** The structure or structures which house the principal use or uses to which a zoning lot is devoted.

**PRIVATE ROAD.** An area of land which is privately owned, has not been dedicated to public use other than access by emergency and public safety vehicles, is maintained by its private owners, and vehicular access to more than one (1) lot, unless otherwise specified herein.

**PUBLIC ROAD.** A traffic-way dedicated to either the Road Commission for Oakland County or the State of Michigan, which provides vehicular access to abutting thoroughfares.

**PUBLIC SERVICES.** Services provided by government to its citizens including but not limited to police, ambulance, fire services, libraries, parks and recreation.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state, or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water or sanitary sewer facilities. Wireless communication service providers are not defined as public utilities.

## **SECTION 2.18 DEFINITIONS BEGINNING WITH THE LETTER “R”**

**RECREATIONAL VEHICLE.** For purposes of this Ordinance, a recreational vehicle shall include the following:

- A. **BOATS AND BOAT TRAILERS.** Shall include boats jet skis, rafts, canoes, plus the normal equipment to transport them on the highway.
- B. **FOLDING TENT TRAILER.** A canvas folding structure mounted on wheels and designed for travel and vacation use.
- C. **MOTOR HOME.** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water and electrical facilities.
- D. **OTHER RECREATIONAL EQUIPMENT.** Other recreational equipment includes snowmobiles, all terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- E. **PICKUP CAMPER.** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process or travel, recreational and vacation uses.
- F. **TRAVEL TRAILER.** A portable vehicle on a chassis which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a travel trailer by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

**RESTAURANT.** Any establishment whose principal business is the preparation and sale of food and beverages. Restaurants shall include the following:

- A. **CAFÉ OR OPEN-FRONT RESTAURANT.** A restaurant whose method of operation involves delivery of prepared food for consumption primarily on the premises, but with seating options both outside and inside the enclosed building.
- B. **CARRY-OUT RESTAURANT.** A restaurant whose method of operation involves the sale of food, beverages and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- C. **DRIVE-IN RESTAURANT.** A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- D. **DRIVE-THROUGH RESTAURANT.** A restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

- E. **STANDARD RESTAURANT.** A restaurant whose method of operation involves the consumption of food and beverages by customers seated at tables.
- F. **TAVERN.** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

**RETAINING WALL.** A structure intended to hold back earth where it is impractical or unfeasible to establish a stable finished grade through grading and vegetation alone.

**RIGHT-OF-WAY.** 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.

**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.

## **SECTION 2.19 DEFINITIONS BEGINNING WITH THE LETTER "S"**

**SALVAGE YARD.** A place, structure, parcel or use of land where junk, waste, discard, salvage or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

**SANITARY LAND FILL.** Any land where garbage, 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.

### **SCHOOLS.**

- A. **CHARTER SCHOOL (PUBLIC SCHOOL ACADEMY).** A charter school or public school academy is a public school and a school district, and is subject to the leadership and general supervision of the Michigan State Board of Education. A public school academy is authorized by the executive action of an authorizing body with jurisdiction.
- B. **PRIVATE SCHOOL.** Any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

- C. **PUBLIC SCHOOL.** An elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or department or state board with jurisdiction.

**SCREEN.** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also, consisting of shrubs, or other living materials.

**SEASONAL USES.** Uses that are devoted to products or services that are typically associated with a particular season of the year.

**SELF-STORAGE FACILITY.** A building consisting of individual, small self-contained units that are leased for the storage of personal and household goods.

**SEXUALLY ORIENTED BUSINESS.** For the purpose of this Ordinance, the following definitions shall be classified as adult oriented uses, adult entertainment use or an establishment including but not limited to the following:

- A. **ACHROMATIC.** Means colorless or lacking in saturation or hue. The term includes but is not limited to grays, tans and light earth tones. The term does not include white, black or any bold coloration that attracts attention.
- B. **ADULT ARCADE.** Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of “sexually explicit activities” or “specific anatomical areas.”
- C. **ADULT BOOKSTORE or ADULT VIDEO STORE.** Means a commercial establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
1. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions slides or other visual representation which depict or describe “sexually explicit activities” or “specified anatomical areas;” or
  2. Instruments, devices or paraphernalia which are designed for use in connection with “sexually explicit activities;” or
  3. Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as “sexually explicit activities” or depict or describe “specified anatomical areas.”

4. For purposes of this Section, "principal business purpose" means:
    - a. The devotion of a significant or substantial portion of its stock-in-trade or interior floor space, meaning at least twenty-five percent (25%) of the floor area; or
    - b. The receipt of fifty percent (50%) of more of its revenues from the sale of the items listed above; or
    - c. The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description display, advertising or packaging of "sexually explicit activities" or "specified anatomical areas".
  5. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "sexually explicit activities" or "specified anatomical areas", and still be characterized as an adult book store, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.
- D. **ADULT CABARET.** Means a nightclub, bar restaurant or similar commercial establishment which regularly features:
1. Persons who appear in a state of restricted nudity; or
  2. Live performance which are characterized by the partial exposure of "specified anatomical areas"; or
  3. Films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".
- E. **ADULT MOTEL.** Means a hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration and provide patrons with closed-circuit television transmission, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; or which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-

way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television; or

2. Permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electric transmission over the World Wide Web; or
  3. Offer a sleeping room for rent for a period of time that is less than ten (10) hours; or
  4. Allow a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- F. **ADULT MOTION PICTURE THEATER.** Means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".
- G. **ADULT THEATER.** Means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities". This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and which has no adverse secondary effects.
- H. **ADULT USE BUSINESS.** Means an adult arcade, adult bookstore, adult novelty or retail store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio and/or a sexual encounter establishment or any business determined by the Building Official, Township Supervisor, to be an adult use because of the similarities in the characteristics and activities of the business with regulated adult business uses, such as nudity, semi-nudity, exposure of "sexually explicit activities" and/or "specified anatomical areas". The definition of "adult use business" shall not include an establishment where a medical practitioner, psychologist, psychiatrists or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.
- I. **ESCORT.** Means a person who, for consideration in any form, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing and the performance of a dance or skit. Under this definition, "privately" shall mean a performance for an individual, that individual's guests.
- J. **ESCORT AGENCY.** Means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

- K. **LICENSEE.** Means the individual listed as an applicant on the application of a sexually oriented business license, or a person whose name a license to operate an adult use business has been issued.
- L. **LICENSING OFFICER.** Means the Clerk of the Charter Township of Highland or his/her designee.
- M. **NUDE MODEL STUDIO.** Means any place where a person appears in a state of nudity or displays "specific anatomical areas", and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.
- N. **NUDITY or a STATE OF NUDITY.** Means the appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.
- O. **PEEP BOOTH.** Means an adult motion picture theater with a viewing room or cubical of less than one hundred fifty (150) square feet of floor space.
- P. **PRINCIPAL OWNER.** Means any person owning, directly or beneficially: a) ten percent (10%) or more of a corporation's equity securities; b) ten percent (10%) or more of the membership interests in a limited liability company; or c) in the case of any other legal entity, ten percent (10%) or more of the ownership interests in the entity.
- Q. **PRIVATE ROOM.** Means a room in a hotel/motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.
- R. **SEMI-NUDE.** Means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- S. **SEXUAL ENCOUNTER CENTER.** Means a business or commercial enterprise that, as one (1) of its primary business purposes, offers a place where two (2) or more persons may congregate, associate or consort for the purpose of "sexually explicit activities" or the exposure of "specified anatomical areas" for any form of consideration, including, but not limited to:
1. Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex; or
  2. Activities when one or more of the persons is in a state of nudity or semi-nudity; or

3. Permits patrons to display or be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for recording or transmission over the World Wide Web or any other media.

**T. SEXUALLY EXPLICIT ACTIVITIES.** Means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy; or
3. Masturbation, actual or simulated; or
4. An activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires; or
5. Human genitals in a state of sexual stimulation, arousal or tumescence; or
6. Excretory function as part of or in connection with any of the activity set forth in 1 through 5 above.

**U. SEXUALLY ORIENTED BUSINESS.** Means an adult arcade, adult bookstore or adult video store, adult novelty or retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web. "Sexually oriented" when used to describe film, motion picture, videocassette, slides, or other photographic reproductions shall mean film, movies, motion picture videocassette, slides or other photographic reproductions that regularly depict material which is distinguished or characterized by an emphasis on matter depicting or describing "sexually explicit activities" or "specified anatomical areas" offered for observation by the patron(s) on the premises of a sexually oriented business. The definition of "sexually oriented business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

**V. SPECIFIED ANATOMICAL AREAS.** Means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts of any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or
2. Human genitals in a state of sexual arousal, even if opaquely and completely covered.

- W. **SPECIFIED CRIMINAL ACTS.** Means sexual crimes against children, sexual abuse, criminal sexual conduct, rape, crimes classified as sexual crimes by the State of Michigan or any other state, or crimes connected with another adult use business, including, but not limited to, the distribution of obscenity, prostitution and/or pandering.
- X. **SIGNIFICANT OR SUBSTANTIAL PORTION.** Means fifteen percent (15%) or more of the term modified by such phrase.
- Y. **SUBSTANTIAL ENLARGEMENT.** Of a sexually oriented business means the increase in floor area occupied by the business by more than fifteen percent (15%), as the floor area exists on the date of adoption of this ordinance.
- Z. **TRANSFER OF OWNERSHIP OR CONTROL.** Of a sexually oriented business means and includes any of the following:
1. The sale, lease or sublease of the business;
  2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
  3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**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.

**SHOPPING CENTER.** A coordinated grouping of retail commercial and service establishments located on a single site or contiguous group of sites with common parking and access.

**SIGN.** Any announcement, message, declaration, display or illustration situated outdoors or indoors, that is designed and placed to advertise, identify, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location or otherwise convey information in written or pictorial form. Signs are further defined as follows:

- A. **ABANDONED SIGN.** A sign which advertises a business, service, product, or activity no longer conducted, available, or in existence on the parcel on which the sign is located.
- B. **ACCESSORY SIGN.** A sign which advertises or identifies only goods, services, facilities, events, or attractions on the lot where the sign is located.

- C. **BILLBOARD.** See Non-Accessory Sign.
- D. **CANOPY AWNING SIGN.** Any sign attached to a canopy or awning.
- E. **CHANGEABLE COPY SIGN.** A sign or portion of with letters or numbers that can be changed or rearranged, manually or electronically, without altering the face or surface of the sign.
- F. **FREE STANDING SIGN.** A sign not attached to any building, and is self supported by structural supports mounted in the ground.
- G. **NON-ACCESSORY SIGN.** Any sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the zoning lot on which the sign is located; also referred to as a remote sign, billboard, or off premise sign.
- H. **OBSOLETE SIGN MESSAGE.** A sign which no longer advertises a business, service, product, or activity conducted, available, or in existence, or the parcel on which the sign is located.
- I. **TEMPORARY SIGN.** A sign that shall include a banner, pennants or other advertising device constructed of cloth, canvas, plastic or other light temporary material, with or without structural frame, or any other sign intended for a limited period of display, unless otherwise specified herein.
- J. **WALL SIGN.** A sign attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall from which it is attached.
- K. **WINDOW SIGN.** A sign painted on or affixed to a window or door for the purposes of viewing from outside the premises. This term does not include merchandise located in a window.
- L. **PORTABLE SIGN.** Any sign not permanently attached to the ground or a building.

**SPECIAL LAND USE.** A use which may be permitted after consideration and approval by the Planning Commission. A special land use may be granted in a zoning district only when there is a specific provision for such special use in this Ordinance.

**SKY GLOW.** A condition where the night sky is illuminated when upwardly directed light reflects off particles in the atmosphere.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**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.

**STREET.** A dedicated public or approved private road, other than an alley, which provides vehicular access to abutting property.

**STRUCTURE.** Anything constructed, erected or placed with a fixed location on the ground or affixed to something having a fixed location on the ground.

**SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs, spas and inflatable pools. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**SECTION 2.20 DEFINITIONS BEGINNING WITH THE LETTERS “T”, “U”, “V” AND “W”**

**TEMPORARY OUTDOOR STORAGE.** The placement of a portable product that is typically sold by a particular business that may be placed outside the building for a short time when a shipment of seasonal products are delivered to the store as provided for in this Ordinance.

**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.

**TIME LIMITS.** Time limits shall mean calendar days, unless otherwise specified herein.

**TOWNSHIP.** The Charter Township of Highland, Oakland County, Michigan.

**TOWNSHIP BOARD.** The Charter Township of Highland Board of Trustees.

**TOWNSHIP ENGINEER.** An engineer and/or engineering firm appointed by the Township Board to represent the Township.

**TOWNSHIP PLANNER.** A planner and/or planning firm appointed by the Township Board to represent the Township.

**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 institutes of liberal arts or professional education.

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

**TRAVEL TRAILER.** See Recreational Vehicle.

**UNDEFINED TERMS.** Any term not defined herein shall have the meaning of common or

standard use.

**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.

**VARIANCE.** A departure approval by the Zoning Board of Appeals from any provision of the Zoning Ordinance, except use, for a specific parcel

**WIRELESS COMMUNICATIONS 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. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- A. **WIRELESS COMMUNICATIONS ANTENNA (WCA).** Shall mean any antenna used for the transmission or reception of wireless communication signals excluding those used for dispatch communications by public emergency stations, ham radio antennas, satellite antennas, those who receive video programming services via multi-point distribution services which are forty (40) inches or less in diameter and those which receive television broadcast signals. Antenna may be 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 definition.
- B. **WIRELESS COMMUNICATION SUPPORT FACILITIES (WCSF).** 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.
- C. **COLLOCATION.** 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 communications antennas within the community.

**SECTION 2.21 DEFINITIONS BEGINNING WITH THE LETTER “Y”**

**YARD, REQUIRED.** The open space between a lot line and the yard setback line within which no structure shall be located except as provided in the Zoning Ordinance

**YARD, UNREQUIRED.** Any yard areas which lies between a yard setback line and the nearest

point of a building on the same lot, and which does not lay in any required yard area.

**YARD SETBACK LINES.** Yard setback lines are the lines delineated by the required minimum front, rear and side yard setbacks measured perpendicular to the front, rear and side lot lines. Yard setback lines are illustrated in **Figure x**.

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