

ARTICLE 25
DEFINITIONS

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Sec. 25-01 Construction of Language

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

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(a) The particular shall control the general.

(b) In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

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(c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Planning Commission, Township Board, or Zoning Board of Appeals, as indicated.

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(d) The masculine gender includes the feminine and neuter.

(e) All measurements shall be to the nearest integral number, except density and lot measurements.

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(f) Words used in a singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.

(g) 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.

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(h) The word "build" includes the words "erect" and "construct".

(i) The phrase "used for" includes "arranged for", "designed or", "intended for", "maintained for", or "occupied for".

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(j) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other entity recognizable as a "person" under the laws of Michigan.

(k) In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.

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(l) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either/or", the conjunction shall be interpreted as follows:

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(1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.

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(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or");

(3) "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

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(m) All defined terms used in this Ordinance shall have their defined meanings unless otherwise specifically stated.

(n) Words or terms not herein defined shall have the meaning customarily assigned to them.

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Sec. 25-02 Definitions A-B

Abandonment. The relinquishment of land or cessation of the use of the land by the owner or leasee without any intention of transferring rights to the land to another owner or of resuming use of the land or building (i.e. a discontinuance and an indication of an intent to abandon).

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Accessory Building. A building on the same lot with the main building or use, but the use of which is clearly incidental to that of the main building or use.

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Accessory Use. A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. An accessory use includes, but is not limited to, the following:

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- (a) Residential accommodations for servants and/or caretakers.
- (b) Swimming pools for the use of the occupants of a residence or their guests.
- 5 (c) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- (d) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable
10 district regulations.
- (e) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- 15 (f) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations 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
20 industrial complex.
- (h) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- 25 (i) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- (j) Boat houses used for the accessory storage of boats of any principal use on a zoning lot or parcel.
- 30 (k) A use or structure shall only be considered an accessory use where it is built, located, or otherwise placed on a zoning lot with a principal use to which it is accessory thereto and which is permitted in the zoning district in which it is located.

35 **Activity.** Any use, operation, development, or action involving a change in, on or to uplands or bottomlands caused by any person, including, but not limited to, constructing, operating, or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching;
40 land balancing; draining or diverting water; pumping or discharge of surface

water; grading; paving; vegetative clearing or excavation, mining or drilling operations.

Adult Entertainment Uses. Adult entertainment uses shall include, but not be limited to, any of the following defined establishments:

(a) **Adult Book or Supply Store.** An establishment having a significant portion of content devoted to the distribution, display or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

(b) **Adult Model Studio.** Any place where, for any form of consideration or gratuity, models who display "specified anatomical areas" (as defined herein) are presented to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to an accredited art school or similar educational institution.

(c) **Adult Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, video tape equipment or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas" (as defined herein).

(d) **Adult Motion Picture Theater.** An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

(e) **Adult Physical Culture Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide any of the following as part of its services:

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(1) Massages.

(2) Body rubs.

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(3) Alcohol rubs.

(4) Physical stimulation.

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(5) Baths or showers.

(6) Other similar treatment by any person.

The following uses shall not be included within the definition of an adult physical culture establishment:

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(1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional.

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(2) Electrolysis treatment by a licensed operator of electrolysis equipment.

(3) Continuing instruction in martial or performing arts, or in organized athletic activities.

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(4) Hospitals, nursing homes, medical clinics, or medical offices.

(5) Barber shops or beauty parlors and salons which offer massages at the scalp, the face, the neck or shoulders only.

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(6) Photography studios whose principal business does not include the taking of photographs of specified human anatomical areas.

(f) **Cabaret.** An establishment where live entertainment such as, but not limited to, comedy or theater is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by or participation of patrons therein. Also, an

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establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

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(g) **Massage Parlor or Massage Establishment.** A place where, for any form of consideration or gratuity, manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation, or service related thereto exposes "specified anatomical areas" other than the following: a duly licensed physician, osteopath or chiropractor; a registered or practical nurse operating under a physician's directions; or registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

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(h) **Specific Anatomical Areas.** Portions of the human body defined as follows:

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(1) Less than completely and opaquely covered human genitals, pubic region; buttock; or female breast below the point immediately above the top of the areola.

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(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(i) **Specific Sexual Activities:** The explicit display of any one (1) or more of the following:

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(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts of human masturbation, sexual intercourse, or sodomy.

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(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Adult Care Facilities. A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:

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(a) **Adult Foster Care Facility.** A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, a home for the aged, an alcohol or substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

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(b) **Adult Foster Care Large Group Home.** Facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults who shall 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.

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(c) **Adult Foster Care Small Group Home.** Facility with the approved capacity of not more than twelve (12) adults who shall 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.

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(d) **Adult Foster Care Family Home.** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided 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 shall be a member of the household and an occupant of the residence.

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(e) **Adult Foster Care Congregate Facility.** A foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

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Adult Day Care Facility. An unlicensed facility which provides care for elderly and/or functionally impaired adults in a protective setting for a portion of a 24 hour day.

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5 **Agriculture.** The carrying on of any farming activity or the raising of livestock or small animals. Agricultural use of land shall include the raising, maintaining, keeping, possession, and/or selling of bees, goats, donkeys, rabbits, chickens, mink, and similar type animals or fowl, and vegetables, fruit, and grains.

10 **Airports and Related Uses.** Airports, landing fields and platforms, hangers, masts, and other facilities for the operation of aircraft may be permitted in the R-2 District and shall be subject to the conditions outlined in *Sec. 3-02*.

15 **Alterations.** Any change, addition, or modification in construction or type of occupancy, or in the structural means of a building.

20 **Animal, Domestic/Household.** Animals shall mean a domesticated animal that is typically found in residential dwellings such as domesticated dogs and cats.

25 **Architectural Features.** Ornamental or decorative features that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design, including, but not limited to: arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings, and canopies.

30 **Automotive Repair Shops, Major.** A place where the following services may be carried out: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.

35 **Automotive Repair Shop, Minor.** A place for the sale of minor accessories for motor vehicles and minor automobile repairs, but not including the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles or major automobile repairs such as, but not limited to, vehicle body repair, painting, engine rebuilding, auto dismantling, upholstery, glass work, undercoating, steam cleaning, and other such activities.

Average Shoreline Setback. See “shoreline setback.”

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.

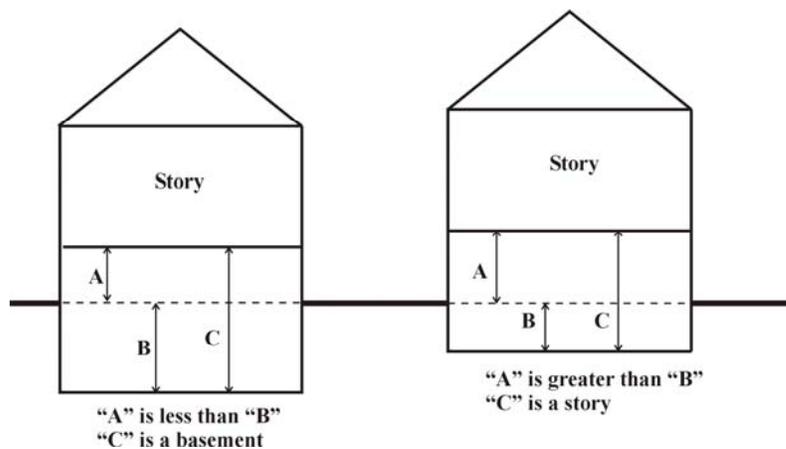
Bed and Breakfast Establishment. Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest.

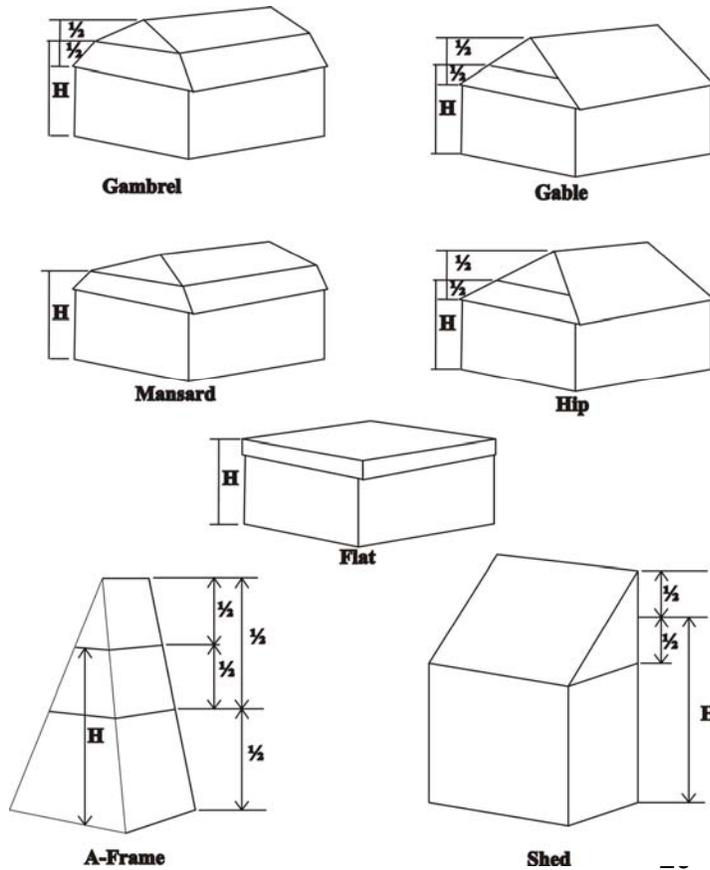
Berm. A landscaped earth mound used to cause transition between residential and nonresidential development, and residential development and major or secondary thoroughfares.

Block. The property abutting one side of a road and lying between the two nearest intersecting roads, (crossing or terminating) or between the nearest such road 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 municipality.

Boat. A watercraft longer than ten (10) feet and/or having a motor, engine or other machinery of more than five (5) horsepower or the equivalent, a "personal watercraft" as defined in the Marine Safety Act, Act 303 of the Public Acts of 1967, as amended.

Boat Access. Boat launching, mooring and docking, and overnight accommodation within fifty (50) feet of the shore from or incidental to a single private riparian property, private road end abutting an inland lake, and/or a public or private boat access site.





Boat Dock. A structure built over or floating upon the water and used as a landing place for watercraft.

Boat Slip. A space extending from a dock or shoreline designed for the docking of a single watercraft.

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

Building Envelope. The area of a lot which is defined by the minimum setback and spacing requirements within which building construction is permitted by this Ordinance.

Building Height. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the declivity of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line. A line formed by the face of the building or an average line that is created by the aggregate setback of buildings along a block.

Business Center. Any group of six (6) or more commercial establishments having a development area of not less than two (2) acres that also meets one (1) of the following land uses:

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(a) Under one (1) common ownership or management.

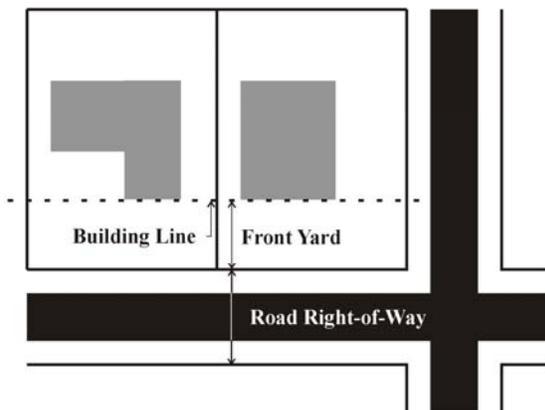
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(b) Have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure.

(c) Share a common parking area.

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(d) Otherwise present the appearance of one (1) continuous commercial area.



(Ord. #243, 8/1/08)

20 **Sec. 25-03 Definitions C-D**

Canopy. Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

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Cemetery. Land used for the burial of the dead, including crematoriums, mausoleums, and mortuaries.

Change in Use—Major. Any change in use which results in a new use or additional use of any land, building, or structure, and/or which would cause or

allow any change in the amount of required parking, and/or which would cause or allow any change in driveway width or location, and/or which would cause or allow any change in the area or bulk requirements, and/or all instances of special uses.

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Change in Use—Minor. Any permitted use within a zoning district, which does not require an increase in parking or driveway width or location, does not require any increase in bulk or area of any building or structure, and/or does not require a special use approval.

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Child Care Facilities. A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such care facilities are classified below:

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(a) **Child Day Care Center.** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

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(b) **Foster Family Home.** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given 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.

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(c) **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care 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.

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(d) **Family Day 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. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.

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5 (e) **Group Day Care Home.** A private home in which more than six (6) but not more than twelve (12) 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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

10 **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.

Commercial Vehicle. Any vehicle bearing or required to bear commercial license plates and which falls into one (1) or more of the categories listed below:

15 (a) Truck tractor.

(b) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies, and full or partial box-type enclosures.

20 (c) Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit, or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented contractors.

25 (d) Commercial hauling, vehicle repair service, snow plowing, or tow trucks.

30 (e) Any other vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

Condominium Common Elements. Both general common area and limited common area.

35 (a) **General Common Area**

(1) **Land.** All land described in the Site Condominium Project not identified as limited common area.

(2) **Roads.** All internal roads and drives designated in the Site Condominium Project.

(3) **Easements.** All beneficial ingress, egress and utility easements.

(4) **Electrical.** The electrical transmission mains throughout the Site Condominium Project, up to the point of lateral connections for building envelope service.

(5) **Telephone.** The telephone system throughout the Site Condominium Project, up to the point of lateral connections for building envelope service.

(6) **Gas.** The gas distribution system, if and when installed, throughout the Site Condominium Project, up to the point of lateral connections for building envelope service.

(7) **Telecommunications.** The telecommunications system, if and when installed, throughout the Site Condominium Project, up to the point of lateral connections for building envelope service.

(8) **Retention Basis System and Storm Drainage System.** The retention basis system and storm drainage system throughout the Site Condominium Project.

(9) **Other.** Such other general common area of the Site Condominium Project, not designated as a common element or limited common area, which are not enclosed within the boundaries of a building envelope, and which are intended for common use or are necessary to the existence, upkeep, appearance, utility or safety of the Site Condominium Project.

(b) **Limited Common Area.** Subject to the exclusive use and enjoyment of the owner of the condominium unit to which the limited common areas are appurtenant and consist of, but are not limited to, the following:

(1) **Yard Area.** Each limited common area immediately surrounding a building envelope, as designated on the Site Condominium Plan, is a yard area limited in use to the building envelope which it immediately surrounds.

(2) **Electrical Transformer.** Each electrical transformer shall be a limited common area appurtenant to the building envelope(s) which it services.

(3) **Wells.** Each water well within the individual building envelope is limited in use to the building envelope served thereby.

(4) **Sanitary Disposal System.** Each sanitary disposal system within the individual building envelope is limited in use to the building envelope served thereby.

Condominium Act. Public Act 59 of 1978, as amended, MCLA 559.101 et. seq.

Condominium, Conversion. A condominium project in which some or all of the proposed condominium units were occupied before the issuance of the notice of proposed action as required by Section 71 of the Condominium Act, PA 59 of 1978.

Condominium Co-Owner. A person, firm, corporation, partnership, association, trust, or other legal entity or combination thereof, who owns a condominium unit within a condominium project. Co-owner may include a land contract vendee if the condominium documents or land contract so provides.

Condominium, Detached. A residential condominium project designed to be similar in appearance to a conventional single family subdivision, except that the limited common areas are arranged in a manner such that clearly defined condominium lots are not created.

Condominium Documents. The master deed, recorded pursuant to the Condominium Act, the association bylaws and any other instrument referenced in the master deed or bylaws which affect the rights and obligations of ownership of a co-owner in the condominium.

Condominium, Expendable. A condominium project to which additional land may be added pursuant to expressed provisions of the condominium documents and in accordance this Ordinance and the Condominium Act, Act 59 of 1978.

Condominium Lot or Unit Lot. That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this Ordinance.

5 **Condominium Master Deed.** The condominium document recording the condominium project, as approved by the Township Attorney, to which is attached by-laws for the project and approved condominium subdivision plan for the project.

10 **Condominium Project.** A plan or project consisting of not less than two (2) condominium units established in conformance with Public Act 59 of 1978, as amended, MCLA 559.101 et seq.

15 **Condominium, Site.** A condominium project containing or designed to contain structures or other improvements for residential, commercial, office, business, or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed as a condominium unit as described in a master deed. A site condominium, when constructed as an alternative to a platted subdivision, may be also be referred to as a "condominium subdivision" and shall be considered as equivalent to a platted subdivision for the purpose of regulation by this Ordinance and other Ordinances of the Township.

20 **Condominium Site Plan.** The drawings and related information which pertain to a condominium project and which are required by this Ordinance for the review of the Township.

25 **Condominium Subdivision Plan.** The drawings and related information prepared in accordance with Section 66 of the Condominium Act, PA 59 of 1978.

30 **Condominium Unit.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.

35 **Contractible Condominium.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Convalescent or Nursing Home. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.

5 **Convertible Area.** A unit or portion of the common elements of the condominium project, referred to in the condominium units or general or limited common elements, may be created pursuant to the expressed provision of the condominium documents and in accordance with this Ordinance and the Condominium Act.

10 **Density.** The number of dwelling units situated on or to be developed per net acre of land. The following calculation shall be utilized in determining maximum density:

(a) The acreage exclusive of paragraphs (b) and (c) below shall be calculated at one hundred percent (100%) toward the total site acreage.

15 (b) The acreage comprised of land within the 100-year floodplain elevation, or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated at twenty-five percent (25%) toward the total site acreage.

20 (c) All open bodies of water and public right-of-ways are excluded from density calculation.

25 **Design Standards.** A set of guidelines regarding the appearance and quality of building materials, landscaping, signs, or overall site layout.

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.

30 **Discontinuance.** A vacation of a lot, building or structure; or a ceasing of the activities related to the nonconforming situation.

35 **District, or Zoning District.** A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Drainageway. Any drainage course, watercourse, drain, pipe, natural stream, creek, or swale which serves to transport storm water runoff.

Drive-In. A business establishment so designed that its operation involves providing a service or a product to patrons located within a vehicle, rather than within a building or structure.

5 **Drive-Through.** A business establishment whose method of operation involves the delivery of a product or service directly to customer inside a vehicle, typically through a window or other appurtenance to a building, where vehicles are queued within a stacking area or approach to the service window or facility.

10 **Dwelling Unit.** Any building, or part thereof, containing one or more rooms, along with bathroom and kitchen facilities, designed as a self contained unit for occupancy by one family for living, cooking, and sleeping purposes, either continuously, permanently, temporarily, or transiently.

15 **Dwelling, Single Family.** An independent residential building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two Family. A residential building designed exclusively for occupancy by two (2) families living independently of each other.

20 **Dwelling, Multiple Family.** A residential building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple family dwellings include dwellings commonly known as
25 apartments and townhouses, which are defined as follows:

(a) **Townhouse.** An attached dwelling unit with common walls, its own front door which opens to the outdoors, and typically, with its own utility connections and front and rear yards. Townhouses are also commonly known
30 as terrace dwellings or row houses.

(b) **Apartment.** An apartment is an attached dwelling unit with common walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway.

35 **Sec. 25-04 Definitions E-F**

Easement. A right-of-way granted, but not dedicated, for the limited use of private land for private, public or quasi-public purposes, such as for franchised
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Educational Facilities. The following words, terms, and phrases related to educational facilities, when used in this Ordinance, shall have the following meanings ascribed:

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(a) **College, University, or other such Institutions of Higher Learning.** A post-secondary institution of higher learning that grants associate, bachelor, master, and/or doctoral degrees. This may also include business schools that issue degrees or certificates of completion of the course of study.

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(b) **Primary School.** A public, private, or parochial school offering instruction at the elementary and/or intermediate levels, most commonly grades nine through twelve.

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(c) **Secondary School.** A public, private, or parochial school offering instruction at the senior high school levels, most commonly grades kindergarten through eight.

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(d) **Vocational/Trade School.** A specialized instructional establishment that provides on-site training of trade skills such as welding, tool and die, and auto mechanics.

Entrance Ramp. A roadway connecting a feeder road with a limited access highway and used for access onto such limited highway.

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Erected. Built, constructed, altered, reconstructed, moved 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 [the] erection.

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Essential Public Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. This definition includes sewer sub stations and water towers but does not include wireless communication towers or antennas.

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5 **Essential Public Service/Utility Buildings.** The erection, construction, alteration, or maintenance by public utilities or municipal departments of buildings or structures which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare including water supply and sewage plants, electrical transformer stations, and telephone exchange buildings.

10 **Excavation.** Any breaking of ground, except common household gardening and ground care.

15 **Exit Ramp.** A roadway connecting a limited access highway with a feeder road and used for access from such limited access highway to a feeder road.

20 **Family.** Either of the following:

25 (a) A domestic family which is one (1) or more persons related by blood, marriage or adoption occupying a dwelling unit and living as a single housekeeping unit in a dwelling.

30 (b) The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct domestic character, and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, or group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character. There shall be a rebuttable presumption enforceable by the Township Planner in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

35 **Farm.** All of the contiguous neighbors or associated land operated as a single unit in which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees provided, however, that land to be a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided, further, farms may be considered as including establishments operated

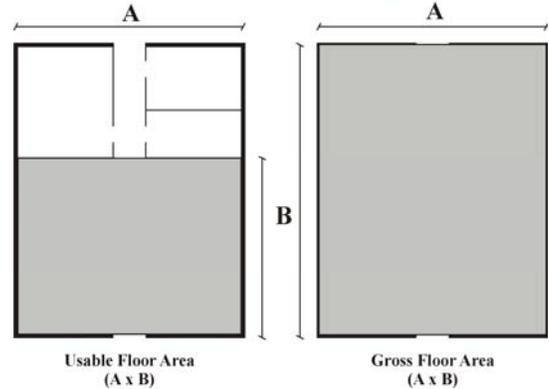
as bona fide greenhouses, nurseries, orchards, poultry farms, and apiaries; but stone quarries or gravel or sand pits shall not be considered farms hereunder.

5

Farm Buildings. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type, for the pursuit of their agricultural activities, in accordance with the rules and regulations of the Michigan State Construction Code.



10



15

Feeder Road. A road intersecting with a limited access highway and having traffic interchange facilities with such limited access highway.

20

Floodplain. That area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of one hundred (100) year recurrence frequency after total development of the watershed.

25

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

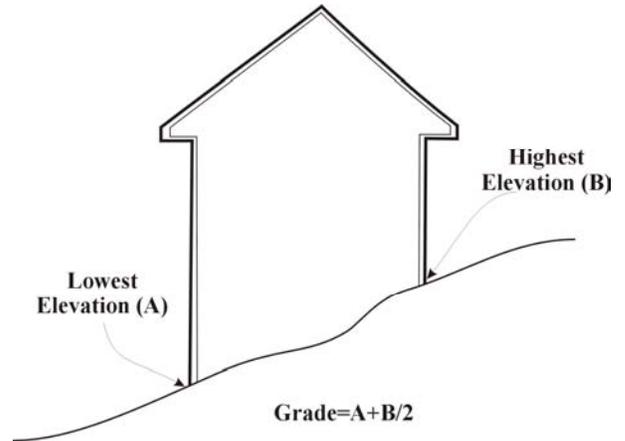
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Floor Area, Gross. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed courtyards or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes, such as the outdoor sale of merchandise.

35

Floor Area, Residential. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Useable. The area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Measurement of usable 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. Floor area used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Where usable floor area is not established it shall be considered to be eighty-five (85%) of the gross floor area.



Floor Area Ratio. The floor area ratio shall be calculated as the ratio of the building floor area as a percentage of the lot area. Principal building floor area shall not include uninhabited attic space, basement, garage or accessory buildings.

Frontage. The linear dimension of a lot measured along the public road right-of-way line, private road access easement, or shared driveway.

Frontage, Riparian. The linear dimension of a lot measured along the shoreline of a lake, river, or stream.

Sec. 25-05 Definitions G-H

Garage, Service. Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

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.

Habitable Space. Space in a structure for living, sleeping, eating or cooking.

5 **Home Occupation.** An occupation or profession conducted entirely within a dwelling by the inhabitants thereof, there such use is clearly incidental to the principal use of the dwelling as a residence and meets the requirements of *Article 3 and 5*.

10 **Hospital.** An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, or similar professions and may be lodged overnight.

10 **Sec. 25-06 Definitions I-J**

15 **Impervious Surface.** Man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent (5%) or less. Impervious surface shall include pavement, buildings, and structures.

20 **Institutional Premises and Uses.** A site or portions thereof occupied by any one (1) of the following land uses:

- 20 (a) A public utility.
- (b) A government owned, operated, or administered facility.
- 25 (c) A public school operated by a State of Michigan school district.
- (d) A private or commercial-vocational school licensed by the State of Michigan.
- (e) A public owned cultural facility, such as a museum, art gallery, library or auditorium.
- 30 (f) A religious facility.

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

Sec. 25-07 Definitions K-L

5 **Kennel.** Any lot or premises on which four (4) or more dogs, cats, or other domestic animals three (3) months or older are kept, either permanently or temporarily boarded, either for sale, breeding, boarding, training, hobby, protection, or pets.

10 **Lake or Inland Lake.** A permanent water body that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is five (5) acres or more in size or of any size with a stream outlet.

15 **Landscaping.** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material. The following are applicable definitions related to landscaping:

20 (a) **Berm.** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.

25 (b) **Buffer Zone.** A strip of land with landscaping, berms or walls singularly or in combination required along mutual lot lines between certain zoning districts based on the landscaping standards of this Ordinance. The intent of the required buffer zones is to lessen the impact to less-intensive uses from the noise, light, traffic, clutter and litter of adjacent land uses.

30 (c) **Caliper.** The diameter of a tree trunk measured six (6) inches above ground level up to and including four (4) inch caliper size and twelve (12) inches above ground level for larger sizes.

35 (d) **Diameter at Breast Height.** The diameter in inches of a tree measured in inches at four and one half (4½) feet above the existing grade.

(e) **Drip Line.** An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

40 (f) **Grass.** Any family of plants with narrow leaves normally grown as

permanent lawns in southern Michigan.

5 (g) **Greenbelt.** A strip of land of definite width and location along a public road right-of-way or private road easement reserved as a landscaped area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors.

10 (h) **Ground Cover.** Low-growing plants, including grass, that forms a dense, extensive growth after one (1) complete growing season and tend to prevent weeds and soil erosion.

(i) **Native Vegetation, Trees, or Landscape.** Plant species that are native to southeastern Michigan and characteristic of a pre-settlement landscape.

15 (j) **Parking Lot Landscaping.** Landscaped areas located in and around (within eighteen (18) feet of the edge of the parking lot) a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.

20 (k) **Planting.** A young tree, vine or shrub that would be placed on or in the ground.

25 (l) **Screen or Screening.** A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

30 (m) **Shrub.** A self-supporting, deciduous or evergreen woody plant generally less than fifteen (15) feet in height with several erect, spreading or prostrate stems and having a general bushy appearance.

35 (n) **Tree.** A self-supporting woody, deciduous, or evergreen plant which at maturity is fifteen (15) feet or more in height with an erect perennial trunk and having a definite crown of foliage.

(1) **Deciduous Tree.** A tree that sheds its foliage at the end of the growing season.

40

(2) **Deciduous Canopy Tree.** A deciduous tree which has a height of twenty-five (25) feet or more and a trunk with at least five (5) feet of clear stem at maturity.

5 (3) **Deciduous Ornamental Tree.** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty-five (25) feet or less.

10 (4) **Evergreen Tree.** A tree that has foliage that persists and remains green throughout the year.

Lighting. The following words, terms, and phrases related to lighting, when used in this Ordinance, shall have the following meanings ascribed:

15 (a) **Canopy Structure.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

(b) **Direct Light.** Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.

20 (c) **Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

25 (d) **Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

30 (e) **Footcandle.** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

(f) **Glare.** Direct light emitted by a lamp, luminous tube lighting or other light source.

35 (g) **Illuminance.** The level of light measured at a surface.

(h) **Lamp.** The component of a luminaire that produces the actual light including luminous tube lighting.

- 5
- (i) **Light Emitting Surface.** Any part of a fixture (lamp, diffusor) which emits light rays.
- (j) **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- 10
- (k) **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties or uses.
- 15
- (l) **Light Shield.** Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.
- (m) **Light Trespass.** Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.
- 20
- (n) **Lumen.** A unit of measurement of luminous flux.
- (o) **Luminaire.** The complete lighting system, including the lamp and the fixture.
- 25
- (p) **Luminaire, Full Cutoff.** A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.
- (q) **Luminaire, Permanent Outdoor.** Any fixed luminaire or system of luminaries that is outdoors and this is intended to be used for seven (7) days or longer.
- 30
- (r) **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- 35
- (s) **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for floodlighting, general illumination, or advertisement.
- 40
- (t) **Roadway Lighting.** Permanent outdoor luminaries that are specifically intended to illuminate roadways for automotive vehicles.

5 (u) **Shielded Fixture.** Outdoor light fixtures shielded 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, e.g. shoebox-type fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Ordinance.

10 **Loading Area.** An off-street area that is safely and conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used.

15 **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.

20 **Lot Area.** The total horizontal area within the lot lines of the lot exclusive of any abutting public right-of-way. Any submerged area of a lake, river, pond, or stream at the shoreline or high water mark shall not count towards meeting the minimum lot area. Regulated wetlands may be included within the area of a lot, provided at least seventy-five percent (75%) of the minimum required lot area shall be buildable upland area.

25 **Lot, Corner.** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curve road or roads 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 (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of
30 less than one hundred thirty-five (135) degrees.

35 **Lot Coverage.** The part or percentage of the lot occupied by a building including accessory buildings.

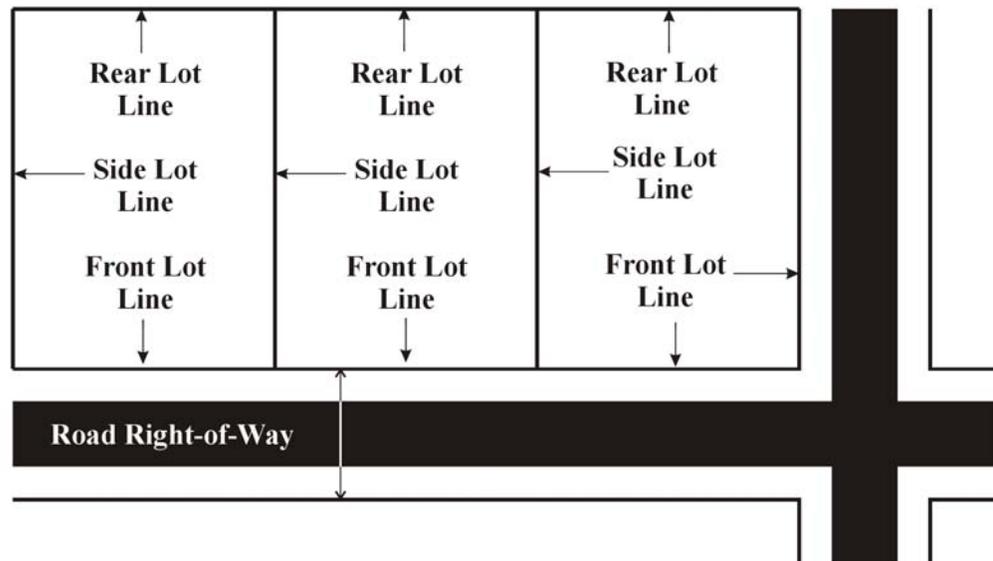
Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. In no case will the lot depth be less than its width.

40 **Lot, Interior.** Any lot other than a corner lot.

Lot Lines. The lines bounding a lot as defined herein:

(a) **Front Lot Line.** In the case of an interior lot, shall be that line separating said lot from the road or shared driveway. On a corner lot, the shorter road line shall be considered the front lot line. On a double frontage lot the line that separates said lot from the road which is designated on the plat as the front shall be considered the front lot line. On a lot that abuts a lake, the line abutting the road shall be considered the front lot line.

(b) **Rear Lot Line.** That lot line opposite the front lot line. On a corner lot the line opposite the shorter front lot line shall be considered the rear lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from



the front lot line and wholly within the lot.

(c) **Side Lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

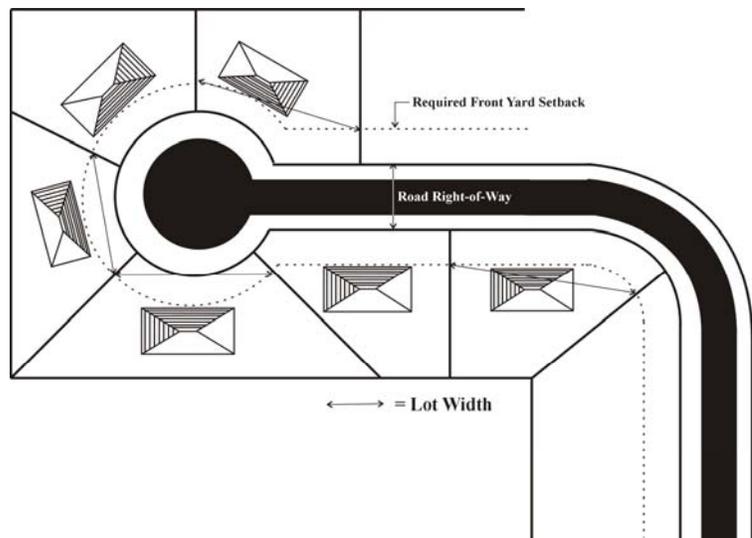
(d) In the case where the above definitions are not sufficient to designate lot lines, the Township Planner shall designate the front, rear and side lot lines in consideration of the orientation of the building(s) on the lot, the address of the lot, the orientation of other buildings along the block, and natural features affecting site design.

Lot of Record. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, Through. Any interior lot having frontage on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to roads shall be considered frontage, and front yard setbacks shall be provided as required.

Lot Width. The straight line horizontal distance between the side lot lines, measured at the two points where the minimum building line, or minimum setback line intersects the side lot lines.

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 coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

(Ord. 231, 12/27/05)

Sec. 25-08 Definitions M-N

Main Building. A building in which is conducted the principal use of the lot upon which it is situated.

5 **Mansard.** A sloped roof or roof-like facade. A sign mounted on the face of a mansard roof shall be considered a wall sign.

10 **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 permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Manufactured home does not include a recreational vehicle. (See Act 419, P.S. 1976.)

15 **Manufactured Home Condominium Project.** A condominium project in which manufactured homes are intended to be located upon separate sites which constitute individual condominium units.

20 **Manufactured Home Park.** A parcel or tract of land under the control of a person upon 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 or not charge is made therefore, together with any building, structure, enclosure, road, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park. (See Act 419, P.A. 1976.) Manufactured housing
25 developments are regulated by the Michigan Manufactured Housing Commission.

Marginal Access Road. A service roadway parallel to a major thoroughfare and which provides access to abutting properties and protection from through traffic.

30 **Marina.** A facility which extends into or over waterways in the Township and provides docking for four (4) or more boats, or offers service to the public or members of the marina for docking, storing, loading, or fueling of boats. A marina shall include a common lot within a subdivision, a common area within a condominium or any other parcel of land held in common by a subdivision,
35 association, similar agency or group of individuals which provides docking, storing, loading, or fueling for four (4) or more recreational watercraft.

Massage Therapy/Massage Therapy.

5 a. **Massage therapy.** A scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

10 b. **Massage therapy clinic.** Any establishment having its place of business where any person engages in or carries on, or permits to be engaged in or carried on, massage therapy (not including doctor's offices and chiropractic offices having these services).

15 **Master Plan.** The Master Plan for Brighton Township including graphic and written proposals indicating general location for roads, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Township Board.

20 **Medical Center.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

25 **Motel.** A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide transient occupancy and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

30 **Multi-Boat Access Site.** A pier, a wharf or other structure that extends into or over a lake, providing space for mooring or docking of boats for use during boating season. A facility for the mooring or docking of a boat or boats owned and operated exclusively by a single-family residing in one (1) dwelling unit shall not be included within the definition and meaning of multi-boat access site where the docking or mooring facility is on the property that is owned exclusively by such family and that is a contiguous part of the property on which the dwelling is situated.

Multiple Family Residential Premises. A site used or occupied as residences for three (3) or more families or as group housing.

5 **Municipality.** The Charter Township of Brighton, Livingston County, Michigan.

Natural Features. Any one (1) or more of the following: soils, topography, geology, vegetation, woodlands, hedgerow, historic/landmark tree, animal-life, endangered species habitat, floodplain, watercourse, lakes, rivers, streams, creeks, ponds, wetland, groundwater, watersheds, aesthetic resources, such as views, and microclimate, which is influenced by site topography and vegetation.

10
15 **Noise.** The following words, terms, and phrases related to noise, when used in this Ordinance, shall have the following meanings ascribed. Terms used in this Ordinance but not defined shall have the meanings ascribed to them by the American National Standards Institute (ANSI) or its successor body.

20 (a) **A-Weighted Sound Level.** The sound pressure level in decibels as measured on a sound level meter using an A-weighting network. The level so read is designated DB(A).

25 (b) **Day-Night Average Sound Level.** The twenty-four (24) hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) DB(A) before averaging.

30 (c) **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

(d) **Impulsive Sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosion, drop forge impacts, and discharge of firearms.

35 (e) **Noise Disturbance.** Any sound which endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person with normal sensitivities, or endangers or injures personal or real property.

40 (f) **Sound.** An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

5 (g) **Sound Level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this section an A-weighted network), as specified by the American National Standards Institute.

10 **Nonconformities.** Existing lots, buildings, structures, and uses of land that were lawful prior to the effective date of this Ordinance, but which have become non-conforming under the terms of this Ordinance and its amendments.

15 **Non-Conforming Building.** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of this Ordinance in the district in which it is located.

20 **Non-Conforming Lot.** A lot that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, which lot does not meet the minimum area or lot dimensional requirements of the zoning district in which the lot is located.

25 **Non-Conforming Site.** A development on a site which met Ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping; but which does not meet the current site standards of the Township.

30 **Non-Conforming Structure.** A structure or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, which structure does not conform to the location, bulk and/or dimensional requirements of the zoning district in which the lot is located.

35 **Non-Conforming Use.** A use that was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which use is no longer permitted in the district in which it is located.

Non-Residential District. Any district not included as a residential district.

40 **Nursery, Plant Materials.** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

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:

- Noise
- Dust
- Smoke
- Odor
- Glare
- Fumes
- Flashes
- Vibration
- Shock Wave
- Heat
- Electronic or Atomic Radiation
- Objectionable effluent
- Noise of congregation of people, particularly at night
- Passenger traffic
- Invasion of non-abutting road frontage by traffic

(Ord. #231, 12/27/05)

Sec. 25-09 Definitions O-P

Obscuring. To conceal from view, and/or make less conspicuous.

Open Air Business. Business and commercial uses conducted solely outside of any building unless otherwise specified herein. Examples of open air businesses include:

- (1) Retail sales of garden supplies and equipment, including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- (2) Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- (3) Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.

(4) Outdoor display and sale of automobiles, recreational vehicles, garages, swimming pools, playground equipment, and similar goods.

5 **Open Space.** That part of a lot, which is open and unobstructed by any built features from its lowest level to the sky, and is accessible to all residents upon the lot. This area is intended to provide light and air, and is designed for environmentally, scenic, or recreational purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, 10 wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel. Areas qualifying as open space within a PUD shall be more narrowly defined as provided for in Article 12 and shall exclude submerged lands and golf courses.

15 **Ordinary High Water Mark.** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the 20 configuration of the surface of the soil and the vegetation.

Outdoor Storage. The storage of materials or goods, outside of a building, which has been approved by the Township, in accordance with this Ordinance.

25 **Parapet.** The extension of a false front or wall above a roof line.

Parcel. A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Act, Public Act 288 of 1967, as amended, MCLA 560.101 et seq.

30 **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 two (2) vehicles.

35 **Parking Space.** An area of definite length and width for the parking of one (1) vehicle only, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for parking of a permitted vehicle.

Planning Commission. The Planning Commission of the Charter Township of Brighton, Livingston County, Michigan.

5 **Pond.** A permanent water body that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is less than five (5) acres and does not have a stream outlet.

10 **Premises.** A tract of land, a lot of record, or a zoning lot in the same ownership or control that is not divided by a public road or right-of-way.

Principal 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.

15 **Public Utility.** A person, firm, corporation, municipal department, board, or commission duly authorized to furnish under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

20 **Sec. 25-10 Definitions R-S**

Recreational Park. An area of a residential platted subdivision, condominium project, multi-family developments, and planned unit developments (PD) districts which is dedicated for the use of the owners and occupants of the development. It shall include any common area of a condominium project so dedicated. The recreational park may be dedicated for the purposes of swimming and picnicking for owners or occupants of the development.

30 **Recreational Premises.** Publicly owned or operated site used or occupied predominantly for recreational purposes, such as: parks, play areas, indoor or outdoor swimming pools, bathing beaches, boating and fishing areas, winter recreation areas, nature study areas, community halls, and fairgrounds.

35 **Recreational Equipment and Vehicles.** Portable structures, machines or devices, self propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and such trailers and other devices as shall be primarily intended for such transporting of all such structures, machines or devices. Motorcycles, bicycles, mini-bikes and such vehicles as jeeps, four-wheel drives and pickup

trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from this definition. This definition does not include a temporary building, structure or use, permitted to exist during periods of construction of the main building, structure or use. Various types of recreational equipment and vehicles include:

5
10 (a) **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" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

15 (b) **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 of travel, recreational and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

20 (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. On an industry-wide basis, this type of recreational vehicle is classified as either a
25 Class A or Class B recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarters. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.

30 (d) **Van/Camper.** A recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra head room. On an industry-
35 wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.

40 (e) **Folding Tent Trailer.** A folding structure mounted on wheels and designed for travel and vacation use.

(f) **Boats and Boat Trailers.** Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

5 (g) **Other Recreational Equipment.** Snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Residential Zoning District. R-1, R-2, R-3, R-4, R-5, RC, RCE, RM-1, and RMH Districts.

10 **Restaurant.** Any use that includes the sale of food and/or beverages to a customer in a ready-to-consume state. The method of operation may be characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or lounge/tavern, or combination thereof, as defined below:

15 (a) **Café.** A use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, or balcony.

20 (b) **Carry-Out Restaurant.** A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises.

25 (c) **Drive-Up Restaurant.** A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

30 (d) **Drive-Through Restaurant.** A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.

35 (e) **Standard Restaurant.** A standard restaurant is a use that involves either of the following:

(1) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.

(2) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.

5 (f) **Lounge/Tavern.** A lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

River. See Stream.

10 **Riparian Lot.** A lot that adjoins the bank or shore line of a lake, stream, or other body of water giving it riparian rights including access to water, dockage of boats, and use of water for general purpose subject to the limitations of this Ordinance and the Inland Lakes and Streams Act PA 346 of 1972 as amended.

15 **Road.** A public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

20 (a) **Alley.** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulations.

25 (b) **Arterial Road.** A road which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, off of, or around the Township. An arterial road may also be defined as a major thoroughfare, major arterial, minor arterial or county primary road. Since the primary function of the arterial is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.

30 (c) **Collector Road.** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.

35 (d) **Commercial Driveway.** Any vehicular access except those serving up to three (3) dwelling units, or serving just an essential public service structure.

40 (e) **Cul-de-Sac.** A road that terminates in a vehicular turnaround.

5 (f) **Local or Minor Road.** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads. Local roads are designed for low volumes and speeds of 25 mph or less, with numerous curb cuts and on-street parking permitted.

10 (g) **Private Road.** A road owned and maintained by the owners of the property it serves and non-residential main buildings. Private roads include roads within site condominium projects, roads serving more than three (3) single family dwelling units and roads within commercial, office or industrial complexes. The definition of 'private road' does not include drives serving multiple family buildings with three (3) or more attached dwelling units, parking lot aisles or drives connecting parking lots to internal roads.

15 (h) **Public Road.** Any road or portion of a road which has been dedicated to and accepted for maintenance by Brighton Township, Livingston County, State of Michigan or the federal government.

20 (i) **Service Drive.** An access road which parallels the public right-of-way in front of or behind a building or buildings or may be aligned perpendicular to the road between buildings, which provides shared access between two (2) or more lots or uses.

25 (j) **Shared Residential Driveway.** A residential driveway that provides vehicular access to three (3) single family dwelling units or two primary residential buildings.

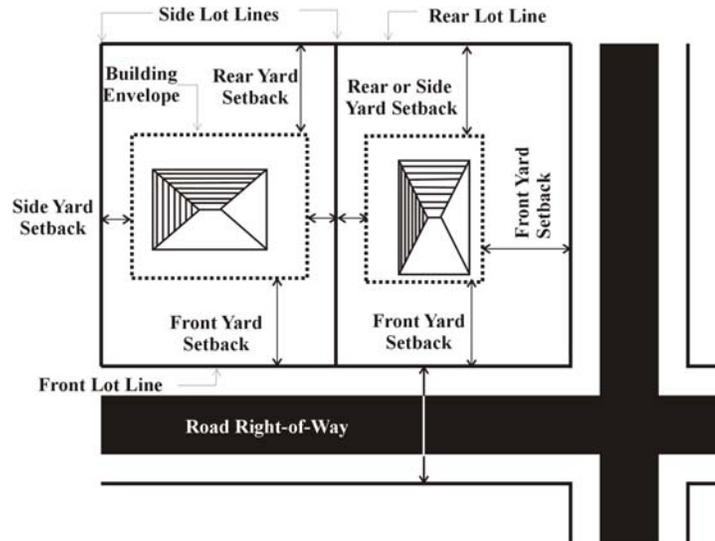
30 **Roof Line.** The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

35 **Room.** For the purpose of determining lot area requirements and density in a multiple-family district, 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 one (1), two (2), or three (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.

40 **Screening.** Man-made structures or placement of natural materials that functions to shield, protect, and/or conceal.

Seasonal Accessory Roadside Stands.

Accessory uses clearly incidental to the principal use of the property where located, of a temporary duration of time. Seasonal accessory roadside stands shall include the sale of fruit, vegetables, hobby-craft, fish bait, firewood or other commodities of similar nature grown, produced, or obtained from the site.



Seasonal Commercial Outdoor Sales. Accessory uses clearly incidental to the principal use of the property where located, of a temporary duration of time. Seasonal commercial outdoor sales shall include the sales of merchandise related to holidays, promotional sales, or special events such as but not limited to Christmas trees, pumpkins, fireworks, tent sales, sidewalk sales, and event paraphernalia.

Service Station. A place for the dispensing, sale, or offering for sale of motor fuels, including gas, diesel, and hydrogen, directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Servicing Business. The individual(s) or business responsible for the maintenance, servicing and upkeep of the billboard and its site.

Setback. The distance between a front, side, or rear lot line and the nearest supporting member of a structure on the lot. Setbacks shall be measured from the public or private road right-of-way line or shared driveway easement. The “Minimum Setback Requirement” is the minimum distance established by this Ordinance to conform to the required setback provisions of the district in which the lot is located.

Shadow Flicker. A moving shadow of the windmill blades which are cast on the ground or against structures located on the site or on adjacent parcels of land.

5

Shoreline. That line that follows the ordinary high water mark of the waterbody that a lot adjoins. (See Ordinary High Water Mark).

Shoreline Setback. The setback of principal dwellings along the shoreline of a lot.

10

Sidewalk/Bikepath. A surface paved with concrete or asphalt intended exclusively for pedestrian, bicycle, or other non-motorized transportation.

15

Sign. Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos, or trademarks for the purpose of identifying or bringing attention to an establishment, product, goods, services, or other message to the general public. Various types of signs and sign-related terms are defined as follows:

20

(a) **Accessory Sign.** Sign which pertains to the principal use of the premises upon which it is located.

25

(b) **Aerial Balloons.** Balloons, inflatable figures, or inflatable objects that are anchored or affixed to any one location, property, structure or building and used solely to advertise the sale or rental of any product, property or service. Balloons that are typically hand-held shall not be subject to regulation under this Ordinance.

30

(c) **Animated Sign.** Sign that uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

35

(d) **Awning Sign.** A sign which is painted on, printed on, or attached flat against the surface of an awning.

(e) **Banner Sign.** Any temporary flexible sign produced on cloth, paper, fabric or similar material, either with or without frames.

(f) **Billboard.** Any sign, whether freestanding or attached to another structure, which identifies a use or advertises products and services not available on the

site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located

5 (g) **Billboard Identification Plate.** A four (4) inch by six (6) inch noncorrosive plate upon which is engraved or stamped the names of the owner and the servicing business of the billboard and their addresses.

10 (h) **Billboard Owner.** The individual(s), company or organization who/which holds title to the physical structure of the billboard.

15 (i) **Billboard Permit Fee.** An annual fee, set by the Township Board, paid to the Township for the purpose of maintaining an updated billboard inventory in the Township and providing for the inspection of billboard sites and structures to assure that they do not compromise the health, safety and welfare of Township residents or workmen who may service the sign.

20 (j) **Billboard Servicing Business.** The individual(s) or business that are responsible for the maintenance, servicing and upkeep of the billboard and its site.

25 (k) **Bulletin Board.** A type of "changeable copy" sign which displays the name of an institution, school, library, community center, fraternal lodge, golf course, country club, park or other recreational facility, and which displays announcements of its services and activities upon the premises.

(l) **Community Special Event Sign.** A temporary sign announcing local community events.

30 (m) **Construction Sign.** A sign erected on a site designated by a building permit issued by the Township, which advises the public of the pertinent facts regarding the construction of the building and its site improvements.

35 (n) **Development Entry Sign.** A sign which identifies the name of a multiple residential development or the developer or the type of residential structures included in the development, and which is harmonious in appearance with that of the activity.

40 (o) **Directional Sign.** A sign which assists motorists in determining or confirming a correct route; specifically enter, exit and parking signs.

(p) **Expressway Business.** A motel, hotel, conference center, service station, movie theater, recreation facility, or restaurant that abuts I-96 and is within one thousand (1,000) feet of a full service interchange (on-ramp or off-ramp in both directions).

5

(q) **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.

10

(r) **Freestanding Sign.** A sign which is erected upon or supported by the ground, including "pole or pylon signs" and "ground signs."

15

(s) **Gasoline Price Sign.** A sign that is used to advertise the price of gasoline. If a brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

20

(t) **Ground or Monument Sign.** A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

25

(u) **Identification Sign.** A sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these intended only to identify location of said premises and not to advertise, and located only on the premises on which the firm, major enterprise, or principal product or service identified is situated.

30

(v) **Illegal Sign.** A sign that does not meet the requirements of this Ordinance and does not qualify for nonconforming status under this Ordinance.

35

(w) **Incidental Sign.** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, and signs used to designate bathrooms.

40

(x) **Low Profile Sign.** A freestanding sign of limited height designed to be compatible with its surrounding environment.

(y) **Marketing Sign.** An on-premises temporary free-standing sign placed upon a property that has an approved site plan by the Township for either a commercial or residential development. A marketing sign may be placed to

indicate the specific intent of the proposed construction and to provide information relative to availability including sales, rentals or leases.

- 5 (z) **Marquee Sign.** A permanent rooflike structure or awning supported by and extending from the face of the building.
- 10 (aa) **Model Sign.** Sign placed on premises of a subdivision or other real estate development to promote the sale or rental of lots, homes, or building space in a real estate development including signage for model units.
- 15 (bb) **Moving Sign.** A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.
- 20 (cc) **Mural.** A design or representation that is painted or drawn on the exterior surface of a structure and does not advertise a business, product, service, or activity.
- 25 (dd) **Non-Conforming Sign.** A sign which is prohibited under the terms of this Ordinance, but was erected lawfully and was in use on the date of enactment of this Ordinance, or amendment thereto or a sign which does not conform to the requirements of this Ordinance, but for which a variance has been granted.
- 30 (ee) **Obsolete Sign.** A sign that advertises a product or service that is no longer available or that advertises a business or service that has closed.
- 35 (ff) **Off-Premise Sign.** A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located.
- 40 (gg) **On-Premise Sign.** A sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.
- (hh) **Pole or Pylon Sign.** A type of freestanding sign that is elevated above the ground on poles or braces and not attached to any building or other structure.
- (ii) **Political Sign.** A temporary sign relating to matters to be voted upon at an election called by a public body.

- 5 (jj) **Portable Sign.** A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, sandwich boards, streamers, ribbons, non-governmental flags, searchlights and signs mounted on a portable structure, including those with wheels but excludes political signs, real estate signs, construction signs, and regulatory/government signs.
- 10 (kk) **Projecting Sign.** A sign, other than a flat wall sign, that projects more than twelve (12) inches from the face of the building or structure upon which it is located.
- 15 (ll) **Public Sign.** Sign erected in the public interest by or upon orders from a local, state, or federal public body for the purpose of traffic control, public safety, or public information.
- (mm) **Real Estate Sign.** An on-premise temporary sign placed upon a property advertising that particular property for sale, or for rent, or for lease.
- 20 (nn) **Roof Sign.** Any sign that extends above the roof line or is erected over the surface of the roof.
- (oo) **Sandwich/Menu Sign.** Sign consisting of two (2) advertising boards laid back-to- back and at least partially supported by each other.
- 25 (pp) **Sign Height.** The maximum vertical distance from the uppermost extremity of a sign or sign support to the average preexisting natural grade surrounding the sign base within a radius of fifteen (15) feet from the sign base. In a case of unusual topography, the Planning Commission may grant an exception to the determined height, provided that the uppermost extremity of the sign does not exceed forty-two (42) inches above the existing elevation of the centerline of the road upon which the site fronts.
- 30
- (qq) **Sign Setback.** The distance between the centerline of the nearest existing roadway and any structural member and/or the face of a sign.
- 35
- (rr) **Surface Display Area.** The area occupied by a sign message as computed according to this Ordinance and expressed to the nearest tenth of a square foot.
- 40 (ss) **Temporary Sign.** A sign which is intended to be erected only a few days or weeks, including portable signs, trailer signs, banners, pennants, or any other

sign which is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored on the ground.

(tt) **Vehicle Sign.** A sign painted or mounted on the side of a vehicle, including a sign on the face of a truck trailer.

(uu) **Wall Sign.** A sign placed flat, attached to the building, extending from the building as a canopy sign or projecting sign, or placed on a separate canopy such as over gasoline pumps.

(vv) **Warning Signs.** Signs advising of "No Trespassing", "No Soliciting", and "No Dumping".

(ww) **Window Sign.** A sign which is applied, affixed, or attached to the interior or exterior of any building window and visible to the general public from the exterior.

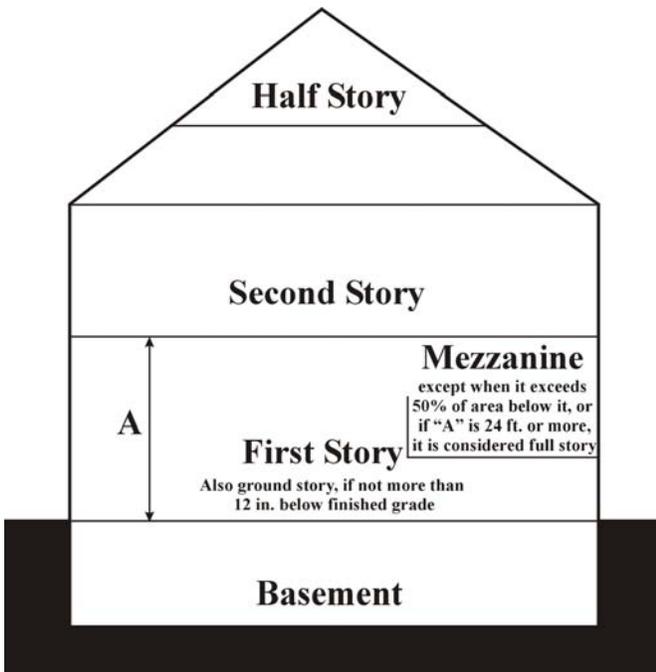
Sound Level. The measurement of sound in decibels (dB) which are the units of measure used to express the magnitude of sound pressure and intensity.

Special Events. Temporary uses that are unlike the customary or usual activities generally associated with the property where the event is to be located that is likely to attract crowds. Special events shall include carnivals, festivals, rodeos, motor vehicle shows, animal shows, charity events, and other activities open to the public.

Stable. A building for the keeping of horses.

Steep Slope. A naturally occurring land form with a vertical change in elevation of ten (10) feet or more over a length of fifty (50) feet or more measured parallel to the contour lines and a slope of twenty percent (20%) or more.

Story. That part of a building, except a basement or mezzanine as defined herein, included between the surface of any one floor and the surface of the next floor above it, or if there is no floor above, then the ceiling next above. A mezzanine shall be deemed a full



story when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more.

5 **Story, Half.** The uppermost story lying under a sloping roof, the usable floor area of which does not exceed two-thirds (2/3) of the floor area of the uppermost full story.

10 **Stream.** A waterway that has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

15 **Structurally Attached.** A structural member or support integrally connecting two (2) separate detached buildings or structures exists, which may be a breezeway, roof, or partition wall, other than an abutting fence or wall not exceeding six (6) feet in height. A motor vehicle or a semi-trailer or other type of truck conveyance may not be so attached to a building or structure.

20 **Subdivision Regulations.** The Subdivision Regulation Ordinance, Chapter 17 of the Code of Ordinances of the Township.

25 **Swimming Pool.** Any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

(Ord. #246, 12/25/09), (Ord. #231, 12/27/05)

30 **Sec. 25-11 Definitions T-U**

35 **Temporary Accessory Building or Structure.** A building or structure constructed of light weight materials, such as aluminum, sheet metal or steel, which is not intended as a permanent structure, without a concrete floor or foundation, intended for and limited to, the storage of hand or garden tools and/or supplies or equipment, incidental to the maintenance of the main building (residential dwelling), within the Residential Districts. Temporary accessory

structures in all other zoning districts shall be expressly prohibited, unless and until first approved by the Zoning Board of Appeals.

5 **Temporary Accessory Residential Sales.** Accessory uses clearly incidental to the principal use of the property where located, of a temporary duration of time. Temporary accessory uses shall include garage, moving, and yard sales, sale of fish bait, produce, flowers, private motor vehicles, hobbycraft, firewood, furniture, and personal effects, and other uses of similar character which are not intended as a permanent activity.

10 **Temporary Building or Structure.** A building or structure which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site or a tent.

15 **Temporary Use.** A use which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time.

20 **Township.** The Charter Township of Brighton, Livingston County, Michigan.

25 **Township Board.** The Board of Trustees of the Charter Township of Brighton, Livingston County, Michigan.

30 **Township Planner.** The individual designated by the Charter Township of Brighton to administer this Ordinance.

35 **Use.** The purpose for which land, a premises, or a building thereon is arranged, designed, or intended, or for which it is or may be occupied, maintained, let, or leased.

Sec. 25-12 Definitions V-X

35 **Variance, Dimensional.** Permission to depart from the literal requirements relating to setbacks, building height, lot width, and/or lot area as regulated by this Ordinance.

Variance, Use. Permission to establish a use of land that is otherwise not provided for in the zoning district as regulated by this Ordinance.

5 **Waterway.** Any natural or open artificial watercourse, diversion, lake, stream, river, creek, ditch, channel, canal conduit, culvert, drain, gully, ravine or wash in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks and shall include the floodplain.

10 **Wetland.** Any land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

15 **Wetland, State Regulated.** Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

(a) Contiguous to any lake, pond, river, or stream.

20 (b) Not contiguous to any lake, pond, river, or stream; and more than five (5) acres in size.

25 (c) Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

30 **Wetland, Township Regulated.** (*See Article 24*). Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

35 (a) Contiguous to any lake, pond, river, or stream.

(b) Not contiguous to any lake, pond, river, or stream; and more than two (2) acres in size.

40 (c) Not contiguous to any lake, pond, river or stream; and two (2) acres or less in size where the Township determines that the wetland is essential to the

preservation of the natural resources of the Township as determined in *Section 24-02(3) (a) through (j)*.

5 **Wind Energy Systems.** An accessory land use for generating electrical power by the use of wind by means of a wind turbine generator and windmill blades mounted on a tower and their related wind measuring and electrical equipment located on a parcel of land having a principal use planned to be part of a submitted site plan or building permit plot plan or has a principal land use already located upon a parcel of land.

10 **Wind Site Assessment.** A written assessment report to determine the specific wind speeds, sound, and shadow flicker at a specific site to determine impact on adjacent properties.

15 **Wireless Communication Facilities.** 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, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include “reception antenna” for an individual lot as otherwise defined and regulated in this Ordinance.

20

25 (a) **Attached Wireless Communication Facilities.** Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

30 (b) **Wireless Communication Support Structures.** 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.

35 (c) **Co-location.** Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the Township.

40 **Woodland.** A forested area of one-half (½) acre or more with a gross basal area (GBA) of thirty (30) square feet per one-half (½) acre, containing twenty (20)

trees per one-half (1/2) acre greater than eight (8) inches in diameter at breast height (DBH), or a plantation of one-half (1/2) acre or more with a minimum average DBH of ten (10) inches. The critical root zone of all trees on the perimeter of the forested area or plantation defines the area of a woodland. A tree nursery or farm where trees have been planted for harvesting or transplant would not be considered a woodland.

(Ord. #246, 12/25/09), (Ord. #231, 12/27/05)

10 **Sec. 25-13 Definitions Y-Z**

15 **Yards.** The area on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The measure of yard is the minimum horizontal distance between the lot line and the building or structure.

20 (a) **Front Yard.** That area of the lot located between the main building and the front lot line, extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

25 (b) **Rear Yard.** That area of the lot located between the main building and the rear lot line, extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard is opposite the front lot line with the smallest road frontage.

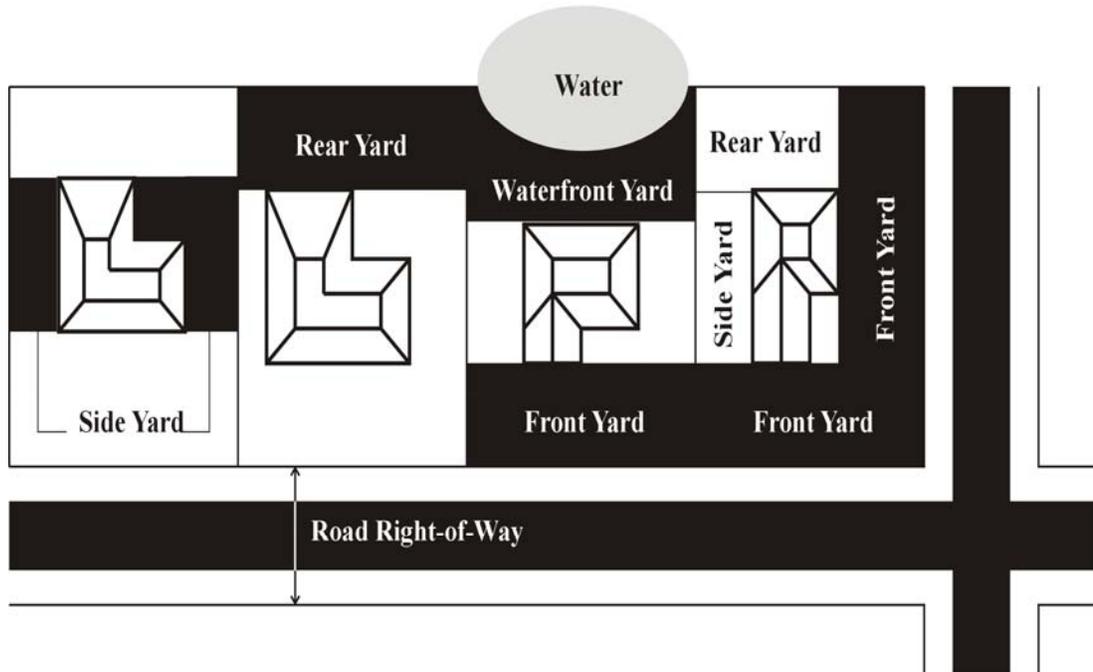
30 (c) **Required Yard.** The area of the lot located between a lot line and the yard line within which no structure shall be located except as provided in this Ordinance.

(d) **Non-Required Yard.** The area of the lot located between the yard lines where structures can be located except as provided in this Ordinance.

35 (e) **Side Yard.** That area of the lot located between the main building and the side lot lines, between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

40

(f) **Waterfront Yard.** That area of the lot located between the main building and



the high water mark, extending the full width of the lot, the depth of which is the horizontal distance between the shoreline of a lake and the nearest point of the main building.

5

Zoning Act. Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

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Zoning Board of Appeals (ZBA). The Brighton Township Board of Appeals, created pursuant to the provisions of Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

(Ord. #231, 12/27/05)