

CHAPTER 28 Definitions

Section 28.1 Words Not Defined

For the purpose of their use in this Ordinance, the following phrases, terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance with its common meaning or standard definition.

Section 28.2 Definitions

A. Definitions “A”

Abutting or Adjacent Property: Any lot or parcel of land adjoining or having a common border with a second lot or parcel of land.

Accessory Building or Structure: A subordinate structure detached but located on the same lot as the principal structure, the use of which is clearly incidental and accessory to that of the principal structure. A lean-to which shares a roof or common wall with an accessory building is considered part of that accessory building for the purposes of calculating accessory building floor area and applicable setback requirements.

Accessory Use: A use of a nature customarily and clearly incidental and subordinate to the main use of the land, Lot, Building or Structure.

Accessory Wind Turbine: A turbine placed on an existing structure, of which the turbine would be a secondary use of that structure.

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

1. Adult foster care facility: A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities excluded from the definition of “adult foster care facility” by Michigan Public Act 218 of 1979, as amended.
2. Adult foster care small group home: A private residence with the approved capacity to receive 12 or fewer adults who are provided foster care as defined herein.

3. Adult foster care family home: A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care as defined herein. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
4. Foster Care: The provision of supervision, personal care, and protection in addition to room and board for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

Adult Day Care Home: A private home (which is the bona fide permanent residence of the operator of the family day-care home) in which from 1 to 6 adults who are aged, mentally ill, developmentally disabled, or physically handicapped are received for care and supervision for periods of less than 24 hours a day. The physical facility and operation of the home shall comply with all applicable federal, state and local laws or regulations. An adult day-care home does not include any establishment commonly described as an alcohol or a substance-abuse rehabilitation center, or a facility for persons released from or assigned to adult correctional institutions.

Agriculture, Agricultural: Uses and activities applied in the production of plants and animals useful to humans, including forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; vegetables; Christmas trees; ornamental horticulture and other similar uses and activities.

Agricultural Building: Any Building or Structure other than a Dwelling, which is customarily used in connection with the Agricultural activities conducted on a Farm. Farm Buildings shall be considered and regulated as Accessory Buildings unless such a Building is: (1) located in the “AB” Agricultural/Agri-Business Zone or on a Lot or parcel of land of five (5) acres or more in the “AR” Agricultural/rural Residential Zone; (2) owned, operated and maintained by the owner of the Farm upon which it is located; and (3) used for purposes essential to the operation of the Farm upon which it is located.

Agricultural Marketing Business: A Consumer based retail or service business associated with any aspect of the sales, distribution, service or maintenance of Agricultural Products, conducted upon the same premises and in conjunction with a Farm and displaying a “rural” or “country” architectural style or theme. For example, Farms involved in dairying may sell dairy Agricultural Products directly to consumers; Farms growing sod may install and maintain transplanted grasses; or Farms raising horses may board and offer horseback rides to the public.

Agricultural Product: Any product directly produced from the conduct of Agriculture. Except for in-site handling, not more than one (1) level of raw material processing, or only that which is necessary to meet statutory health requirements and packaging, may be rendered before the product is sold.

Agricultural/Rural Enterprise: A small commercial business which is conducted upon the same premises and in conjunction with a Farm and displays a “rural” or “country” architectural style or theme. The commercial use types may be Institutional, entertainment, or other rural area service business, but may be conducted only as a supplement to an immediately adjacent Farm business. The making or selling of Agricultural or Rural-Area Products may occur on-site. Incidental sales of products other than Agricultural or Rural-Area Products may be stocked and sold, but shall not exceed twenty-five percent (25%) of total product inventory.

Agricultural Service Business: A business engaged in providing services for Agricultural operations, including sales and service of Farm implements, veterinarian services, Agricultural Product storage and distribution facilities, testing services, and seed and feed operations.

Alley: A public right-of-way not more than thirty (30) feet wide affording only secondary means of vehicular access to abutting Lots and land and which is not intended for general traffic circulation.

Altered Or Alteration: Any change, addition or modification in the construction or state of any Building or Structure including, without limitation, any change in the supporting members, bearing walls, columns, posts, girders or roof structure, any architectural change of the interior or exterior of a Building or Structure which may affect its structural integrity, or any addition to or diminution of a Structure or Building.

Area, Gross Floor: The sum of the horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls. The Gross Floor Area measurement is exclusive of the following areas:

1. Basements
2. Unfinished attics
3. Private attached garages
4. Breezeways and porches, both enclosed and unenclosed.

For the purposes of calculating parking requirements, the Gross Floor Area measurement shall also exclude vehicular parking and loading areas within the structure, and floor area occupied by HVAC (heating, venting, and air conditioning), mechanical, electrical, communications and security equipment or apparatus.

Area, Gross Leasable: The term Gross Leasable Area (GLA) as used in this document shall mean the gross floor area minus the following floor area deductions:

1. Elevator shafts and stairways
2. Public restrooms
3. Public lobbies, common mall, atriums and courtyards provided solely for pedestrian access to the building exterior, and/or for aesthetic enhancement or natural lighting purposes.
4. Permanently designated corridors (i.e., not subject to relocation by the requirements of a specified lease).

Attached Accessory Dwelling: A separate and complete dwelling unit that is contained within the structure of the principal dwelling.

Attached Wireless Communications Facilities: Wireless Communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

B. Definitions “B”

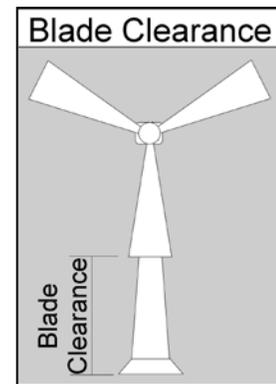
Basement: That portion of a Building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Basement, Full: That portion of a Building which is wholly below grade.

Bedroom: A room originally designed and primarily intended for sleeping. It also includes closets or similar provisions for the storage of personal items.

Bed and Breakfast Establishment: A private residence that offers overnight accommodations to guests in the operator’s principal residence and serves breakfast at no extra cost to its lodgers.

Blade Clearance: The least distance possible between the ground and bottom edge of a turbine blade or rotator plane.



Buffer Berm: A linear mound or hill made only of earthen materials including soil, rock or concrete pieces, which qualifies for use within buffering requirements of this zoning ordinance. To qualify as a Buffer Berm, the following characteristics must either exist, or be created, within that portion of a Yard which requires a Type II or III Buffer:

1. Structural improvements may be constructed as part of a Buffer Berm with materials other than earthen if designed and constructed in an attractive, effective manner; and,
2. Slopes shall not exceed one (1) foot vertically for each three (3) feet horizontally unless structurally stabilized as provided above; and,
3. Surface soil on the bermed area shall be organic top soil to a depth of at least three (3) inches and internal or subsurface soil shall be of sufficient quality to supporting chosen vegetation for the required buffer; and,
4. Berm surfaces shall be stabilized and maintained with natural ground covers including grasses or herbaceous vegetation and/or decorative shredded or chipped vegetative materials such as bark or wood; and,
5. The measurement of berm height shall be taken from average surrounding grade to the crest of the berm; except, however, that undulating berms or other similar irregular topographic contours will be allowed provided that the same degree of complete visual screening is accomplished by additional vegetative plantings or permitted Buffer Screen device.

Buffer Screen: A screening device such as a fence, wall, or similar physical barrier, within that portion of a Yard which requires a Type II or III Buffer, which has the following characteristics:

1. Constructed of durable materials such as:
 - a. Treated lumber with no dimensions less than three-quarters (3/4) inch, and
 - b. Brick, decorative block, stone or other attractive masonry.
2. Has a degree of opaque visual closure of at least ninety percent (90%) of the vertical screening surface.
3. Does not exceed the height required for fencing in the zone in which the Buffer Screen is located.

Buffer, Type I: A linear strip of land within any Yard as required by various sections throughout this Ordinance, at least ten (10) feet in width measured horizontally, providing a slight vegetative buffer, or natural equivalent, consisting of at least three (3) plantings for each thirty (30) linear feet, or fraction thereof, one (1) of which shall be evergreen and at least four (4) feet in height, and the other two (2) of which shall be not less than six (6) feet in height and capable of growing to a height at maturity at least twenty (20) feet.

Buffer, Type II: A linear strip of land within any Yard as required by various sections throughout this Ordinance, at least ten (10) feet in width measured horizontally, providing a vegetative buffer, or natural equivalent, consisting of at least the following:

1. One (1) tree for each twenty (20) linear feet, or fraction thereof, not less than twelve (12) in height and capable of growing to a height at maturity at least twenty (20) feet; and,
2. One (1) row of evergreen shrubs not less than five (5) feet in height and spaced not more than five (5) feet apart.

Buffer, Type III: A linear strip of land within any Yard as required by various sections throughout this Ordinance, at least twenty-four (24) feet in width measured horizontally, providing a vegetative barrier and Buffer Berm, or natural equivalent, consisting of at least the following:

1. One (1) tree for each thirty (30) linear feet, or fraction thereof, not less than twelve (12) in height and capable of growing to a height at maturity at least twenty (20) feet; and,
2. One (1) evergreen tree for each thirty (30) linear feet, or fraction thereof, not less than twelve (12) feet in height where the buffer is immediately adjacent to an occupied site and is otherwise a height of not less than five (5) feet; and,
3. One (1) row of evergreen shrubs at least three (3) feet in height and spaced not more than five (5) feet apart; and,
4. A Buffer Berm at least five (5) feet above average surrounding grade, but not more than six (6) feet above average surrounding grade. (Amended by Ord. No. 93-DC-01-TX)

Building: Anything which is erected, including a Mobile Home, having a roof, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

C. Definitions “C”

Carport: A roofed structure, shelter, or portion of a building with one (1) or more posts, poles, or columns supporting the roof or top or with one (1) or more enclosed sides, of which the primary purpose is for the permanent or temporary storage of vehicles. Attached carports shall comply with the development standards of the building to which the carport is attached. Freestanding carports shall comply with the Accessory Building development standards of Section 20.2.

Child Care Organization: An organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision notwithstanding that educational instruction may be given. Child care organizations are licensed and regulated under the State of Michigan Act 116 of 1973, as amended, and include the following:

1. **Child Care Center (Or Day Care Center):** A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day; provided, however, that a child care center or day care center does not include any of the following:
 - a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during a 12- month period.
 - b. A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.
2. **Foster Family Home:** A private home in which one but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the adoption code, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
3. **Foster Family Group Home:** A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the adoption code, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
4. **Family Child Day Care Home:** A private home in which one but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

5. **Group Child Day Care Home:** A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to the adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Colocation: The location by two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Collector Street: A public street which collects traffic from local streets and connects with arterial streets.

Community Wind Turbine: A freestanding turbine used to generate energy for the use of two or more neighboring properties under different ownership.

Condominium Unit: That portion of a condominium project approved pursuant to the Condominium Act (State of Michigan Public Act 59 of 1978) designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium Land Unit: A Condominium Unit where the unit of ownership is a described area of land.

D. Definitions “D”

Development Plan: The drawings and specifications of a proposed development showing its topography, the location of Buildings and Structures, all non-enclosed uses, parking loading and traffic handling facilities, storm drainage, typical floor plans, elevation drawings, a detailed statement of the proposed use or uses, and other relevant information, data and documentation concerning the proposed development, all in sufficient detail to enable the Township to study and evaluate the proposed development.

Density, Gross Residential: The number of dwelling units per acre of land.

Density, Net Residential: The number of dwelling units per acre of land, excluding public and private streets, parks and other recreational areas, common open space, public and private facilities, and natural resource areas, such as ponds, streams, wetlands, and wildlife habitat areas.

Dwelling: Any Building or part thereof, occupied in whole or in part as a home, residence or sleeping place by one (1) or more persons, either permanently or transiently, but not including Motels, Tourist Homes, or Cabins.

Dwelling - One Family: A Dwelling designed for use and occupancy by one (1) Family only.

Dwelling - Two Family: A Dwelling designed for use and occupancy by two (2) Families only and having separate living, cooking, eating facilities and entrance for each Family.

Dwelling Unit: A room or a suite of rooms designed for use and occupancy by one (1) Family only.

Dwelling - Multiple Family: A Dwelling designed for use and occupancy by three (3) or more Families and having separate living, cooking, eating facilities and entrance for each Family.

E. Reserved

F. Definitions “F”

Family: Means either of the following:

1. A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of the individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
2. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct 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 operate as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Farm, Farmland: A Contiguous parcel of land owned by one (1) person, which is either: (1) forty (40) acres in size and used primarily for the commercial, soil-dependent cultivation of agricultural crops and/or for the raising of livestock or (2) a “specialty farm: as defined by the Department of Agriculture of the State of Michigan.

Farm Market: An Agricultural Building used solely by the owner or tenant of the Farm upon which it is located for the sale of only those Agricultural Products produced on the Farm upon which it is located, or for the storage of Farm equipment or personal belongings when not used for the sale of produce.

G. Definitions “G”

Garage, Private: An attached Accessory Building which meets all of the following: (a) is designed as an architecturally compatible part of the principal building, (b) is constructed as a substantial component of the principal Building by use of a common wall or other similar structural device, (c) is used primarily for the parking or storage of Vehicles necessary in connection with the permitted use of the principal Building, and (d) does not have a floor area at ground level which exceeds the floor area at ground level of the principal Building. In determining architectural compatibility, the Zoning Administrator shall consider the proportions of exterior dimensions; the color, texture and alignment of finish materials; ingress and egress both internally and externally, and the relation of the building to the driveway and surrounding lot.

Garage, Commercial: A Building used for parking, storing, caring for, renting, servicing, repairing, refinishing, equipping, adjusting, and otherwise working on Vehicles for compensation.

Gasoline Service Station: A Building, Structures and/or land used in combination for either/or both the sale and installation in or upon Vehicles of the usual operating commodities such as gasoline, fuel oil, grease, alcohol, water, batteries, tires, light bulbs, windshield wipers and other minor accessories, or services such as hand washing, wiping, cleaning and waxing without automatic equipment or repair of tires, lights, charging of batteries and tune-ups. General repairs, rebuilding, or reconditioning of engines or Vehicles, collision service (including body repair and frame straightening), painting, upholstering or Vehicle steam cleaning or undercoating shall be considered outside this definition of a Gasoline Service Station.

H. Definitions “H”

Heavy Industrial Uses: Heavy industrial uses shall mean uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industry shall also mean those uses engaged in the cleaning of equipment or work processes involving solvents, and solid waste or sanitary waste transfer stations.

Height, Building: The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof.

Home Occupation: A gainful occupation traditionally carried on in the home as a use incidental and secondary to the use of the home as a Dwelling, where no article is sold or personal services are rendered except such as are directly produced or performed by the Home Occupation itself. Home Occupation may include any profession, vocation, or trade, but shall not include restaurants or the repair or reconditioning of Vehicles or Mobile Homes and similar Structures.

Household Animal: This includes cats, dogs, fish, household birds, hamsters, rabbits, and other animals generally regarded as household pet.

I. Definitions “I”

Industrial Districts: Industrial districts shall mean the “I-1” and “I-2” zoning districts.

Inoperable Vehicle: Any vehicle or motor vehicle which cannot be started or legally or physically operated on public streets or public highways by virtue of lacking the equipment required by the laws of the state of Michigan, or which does not bear valid and current license plates.

Institutional Use: Public or quasi-public uses, Buildings and Structures supporting, providing or displaying services or materials valued by the society at large such as education, religion, group housing for the disadvantaged, hospitals, libraries, museums, nature centers, governmental offices, and so on.

J. Definitions “J”

Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handles, 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.

K. Definitions “K”

Kenel: Any land, Building, or Structure where 4 or more dogs or 5 or more cats over 3 months of age are either permanently or temporarily kept, boarded, housed, bred, or sold. This definition shall apply regardless of whether such animals are kept, boarded, housed, or bred for business or commercial purposes or uses or as personal pets.

L. Definitions “L”

Land Area, Net: The horizontal land area of a proposed development derived by subtracting from all Useable Land Area that horizontal land area devoted to Streets, utilities and other ancillary spaces or ways providing utilities and/or services to or through the development.

Land Area, Useable: All horizontal land area within a residential or multi-use development which is capable of providing easy access, use and enjoyment by any future owners, inhabitants or users of the development.

Land Use Plan: Part of the Township Master Plan and an official document of the Gaines Charter Township Planning Commission.

Landscaping: Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, mulch, walls, fences or decorative paving materials).

Light Industrial Uses: Light industrial uses shall mean uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, and primary metal or related industries.

Local Street: A public street designed to improve access by limiting speed and maximizing the number of access points.

Lot: A parcel of land, exclusive of any road or street right-of-way, separated from other parcels by legal description. Also, a lawful parcel of land adjoining a dedicated public street or lawful public or private road, and separated by other parcels by legal description, deed, site condominium boundary, or subdivision plat. The word "lot" shall also include "plot," "platted lot," "parcel," or "site condominium unit." In the case of development or use of land on the basis of condominium ownership (*i.e.*, site condominium), "lot" shall also include the portion of the condominium project designed and intended for separate ownership and use and land described in the master deed.

Lot Width: The width of a Lot as measured at the front foundation of a Building or Setback line, excluding public and private easements for ingress/egress or rights-of-way. Easements for utilities and site drainage may be included in such measurements.

Lot Area: Total area of a Lot including private and public easements.

Lot, Corner: A Lot located at the intersection of two (2) or more Streets where the corner interior angle formed by the intersection of the Streets is one hundred thirty-five degrees (135) or less or a Lot abutting upon a curved Street or Streets if tangents to the curve, at the two (2) points where the Lot lines meet the curve, form an interior angle of one hundred thirty-five (135) degrees or less.

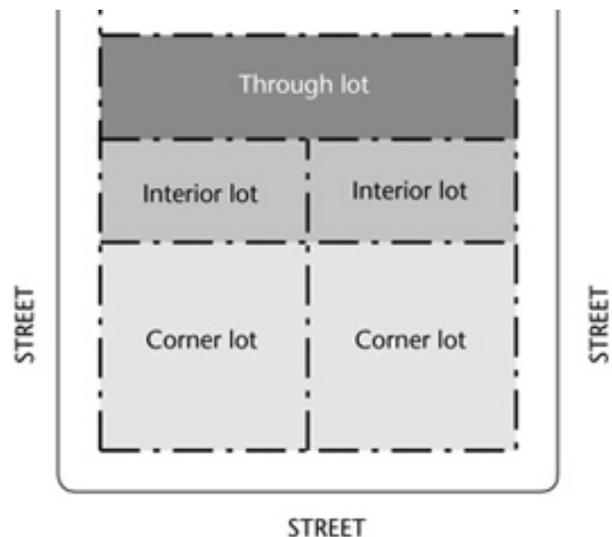
Lot, Interior: A Lot other than a Corner Lot or Through Lot.

Lot, Through: An Interior Lot having frontage on two (2) or more Streets.

Lot Line, Front: The boundary line of the lot immediately adjacent to the street right-of-way upon which the lot fronts.

Lot Line, Rear: The boundary line which is opposite and most distant from the front lot line.

Lot Line, Side: Any lot boundary which is neither a front lot line nor a rear lot line.



M. Definitions “M”

Medical Marihuana Dispensary: Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, grown, processed, delivered, or distributed by or to one or more of the following:

1. A primary caregiver (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
2. A qualifying patient (as defined by Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
3. Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana or such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility.

A medical marihuana dispensary shall not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended) so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and it is done in full compliance with not only this Ordinance and any other applicable Gaines Charter Township ordinances, but also all applicable Michigan and federal laws and regulations.

Mobile Home: A manufactured Dwelling normally built on a chassis, constructed to the specifications of state or federal safety and construction standards for manufactured housing and not meeting all minimum standards of construction of the adopted Township Building Code for at-site constructed housing. A Mobile Home shall not be construed to be a Recreational Vehicle.

Mobile Home Development: A tract of land licensed as a mobile home park by the State of Michigan on which three (3) or more Mobile Homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any Building, Structure, enclosure, Street, equipment, or facility used or intended for use incident to the occupancy of a Dwelling within the mobile home park and which is not intended for use as a Recreational Vehicle Park.

Motel: A Building or series of Buildings, attached or detached, designed, used or offered for residential occupancy on a temporary basis and designed primarily to accommodate the traveling public.

N. Definitions “N”

Nonconforming Lot: A Lot of Legal Record, lawfully existing at the time of adoption of this Ordinance, or any amendment thereto, which does not conform to the Lot dimension requirements of the District in which it is located. Also called a lawful nonconforming lot.

Nonconforming Structure: A Structure lawfully existing at the time of adoption of this Ordinance, or any amendment thereto, which does not conform to the yard, height, area or bulk requirements of the District in which it is located. Also called a lawful nonconforming structure.

Nonconforming Use: A use which lawfully occupied a Lot, Building or Structure at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the District in which it is located. Also called a lawful nonconforming use.

Non-Household Animals: This includes any animal that is not a Household Animal as defined in this Ordinance.

Nonprofit Organization: A corporation, ecclesiastical corporation, fraternal association or other entity which is recognized by the United States Internal Revenue Service and the state as a nonprofit entity and whose earnings are exempt from federal and state income taxes. Nonprofits vary in use based on the services, activities, and goods provided.

O. Definitions “O”

Ornamental Grasses: A grass, other than turf grass, planted primarily for its ornamental value or for screening purposes.

P. Definitions “P”

Parking Area: An open area, other than a street or other public way, used for the parking of vehicles and available for use for clients, customers, residents or occupants.

Parks: Any non-commercial recreational area.

Personal Service: Personal services shall mean shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to people, such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.

Pond: An outdoor body of standing water, accumulated in a natural or artificially constructed basin or depression in the earth, either above or below or partly above or partly below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity and whose primary purpose is for swimming, boating, fishing, or similar related activities.

Primary Arterial Street: A public street with important traffic carrying functions in the Township, designed to increase mobility by limiting access and increasing speed. For the purposes of this Ordinance, the following public streets are considered primary arterial streets:

- 60th Street
- 68th Street
- 76th Street
- 84th Street
- 92nd Street
- 100th Street
- 108th Street
- Division Avenue
- Eastern Avenue
- Kalamazoo Avenue
- Hanna Lake Avenue
- East Paris Avenue
- Patterson Avenue

Private Street or Private Road: Where two or more parcels or lots share a common access, road, path, or trail. This definition shall also include where one or more parcels or lots utilize an access easement or private right-of-way.

Public Utility: Any person, firm, corporation, or governmental department, board or commission duly authorized under Township, State or Federal regulations, to furnish electricity, gas, steam, communications, transportation, water, wastewater removal or similar essential services to the public; provided, however, that those persons involved in the reception or transmission of radio or television signals shall not be considered a Public Utility unless said signals are distributed directly to subscribers or customers through a closed circuit system of coaxial cables or similar network of signal conductors.

Q. Reserved

R. Definitions “R”

Recreational Facility: Any public or private facility used, or intended to be used for recreational activities, including indoor and outdoor facilities. Such facilities may include, but are not limited to recreational fields, courts, and other similar facilities.

Recreational Vehicle: Any house car, motor home, travel trailer, house trailer, bus, trailer home, camper, trailer coach or similar transportable unit used or designed as to permit its being used as a conveyance on Streets and intended for occasional or short-term occupancy during travel, recreational or vacation use.

Retail, Convenience: Convenience stores, bakeries, video rental stores, drug stores and other similar uses characterized by a high turnover of customers. If there is a question concerning whether a retail use can be classified as convenience retail, the Planning Commission or subcommittee thereof shall make the final decision on the classification.

Retail, Low Intensity: Furniture stores, appliance stores, carpet stores, jewelry shops, florists, and other similar uses characterized by a low number of customers relative to the building area occupied by the use. If there is a question concerning whether a retail use can be classified as low intensity retail, the Planning Commission or subcommittee thereof shall make the final decision on the classification.

Roadside Stand: A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produce as well as locally produced agricultural products, enhanced agricultural products and handmade crafts.

Rural-Area Product: Hand-made items such as blankets, rugs, wall hangings, gifts, or small wood products. Machinery used on the premises to create such products cannot be of other than that typically found on a Farm or rural residential setting.

S. Definitions “S”

Setback: The required minimum horizontal distance between a Lot line and the nearest front, side or rear foundation line of a Building, including porches, lean-tos, carports and breezeways if completely or nearly completely enclosed but excluding steps and cantilevered projections of not more than twenty-four (24) inches measured perpendicularly to the foundation. No building or structure shall be located within a required setback area.

Sidewalk: That portion of the street right-of-way (or abutting easement) improved with concrete and designed for pedestrian travel.

Sign: A device, structure, painting, fixture, or placard using color, graphics, symbols and /or written copy designed and/or utilized for the purpose of advertising or identifying any event, establishment, product, good, service or displaying or depicting other information.

Site Plan: Sketches and drawings of a proposed use of development showing the location and dimensions of all Buildings and Structures, parking and loading facilities. Each Site Plan must clearly indicate the location of the site involved and include a written statement of the proposed use or uses.

Solar Energy Collector. A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with a principal land use on the lot of record on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

- 1. Building-Mounted Solar Energy Collector.** A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.
- 2. Ground-Mounted Solar Energy Collector.** A solar energy collector that is not attached to and is separate from any building on the lot of record on which the solar energy collector is located.
- 3. Commercial Solar Energy System.** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Also known as a solar farm.

Street: An easement, right-of-way, or other interest in land established or used for the purpose of providing access to abutting land. A Street may be a public street or a private street. A public street is an easement, right-of-way or other interest in land which has been conveyed or dedicated to, or accepted by, the township, county, or other governmental body for the purpose of providing access to abutting land.

Structure: Any construction, erected or placed material or item or combination of materials or items in or upon the ground, including, but not by way of limitation, Buildings, radio towers, sheds, Signs and storage bins, but excluding sidewalks and paving on Streets, driveways, parking areas, and patios.

Swimming Pool: A Structure either above or below or partly above and partly below grade, whether located inside, outside or partly in each, designed to hold water to a depth of greater than two (2) feet when filled, and intended to be used for swimming purposes.

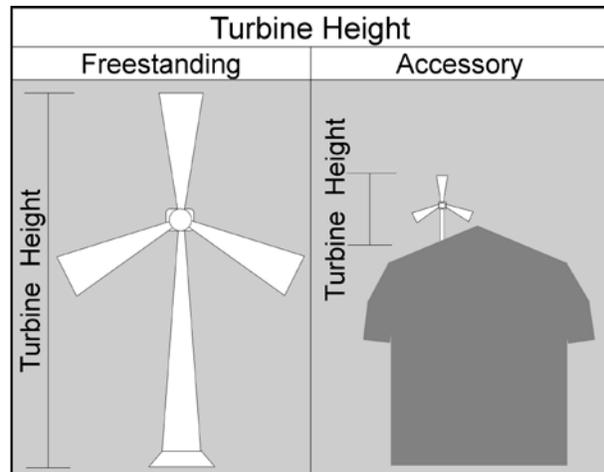
T. Definitions “T”

Temporary Storage Unit (TSU): A moveable container used or designed for the temporary storage and/or transportation of personal property, household goods, or other materials or items.

Turbine: A turbine shall mean any combination of the following:

1. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft.
2. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power.
3. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device.
4. The generator, alternator, or other device used to convert the mechanical energy of the surface area into electrical energy.
5. The tower, pylon, pole, or other structure upon which any, all, or some combination of the above are mounted.

Turbine Height: The largest distance possible between the ground for a freestanding turbine, or the principal structure surface for a mounted turbine, and the top edge of a wind turbine blade or rotator plane.



U. Reserved “U”

V. Definitions “V”

Vehicle: Every device, in, upon or by which any person or property is or may be transported or drawn upon a Street, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

Vehicle Repair, Major: Any activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines or trailers, collision service, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; or steam cleaning.

Vehicle Repair, Minor: Any activity involving minor repair and maintenance of passenger vehicles and light trucks and vans, including, but not limited to vehicle detailing, oil change establishments, audio or cellular installation, and auto glass installation and repair.

W. Definitions “W”

Water Garden: Also known as aquatic gardens, backyard ponds and garden ponds. A man-made feature, these gardens typically combine a pool with aquatic plants and often ornamental fish. Fixed items such as rocks, fountains, statuary, waterfalls and watercourses can be combined with the pool to add visual interest and integration with the local landscape and environment.

Wind Energy Conversion Systems (WECS): A wind turbine or group of wind turbines on a single, adjacent, or nearby parcel used for the production of energy as a product for sale, trade, and/or public dispersion purposes. All or almost all of the energy produced will be used or consumed off-site at a place or places other than the parcel or parcels where the wind turbine or turbines area located.

Wind Energy Turbine: A freestanding turbine used to generate energy for use primarily on the property where the turbine is located

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 and exchanges, microwave relay facilities, telephone transmission equipment buildings and private and commercial mobile radio service facilities. Not included within this definition are: short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wholesale Establishment: Establishments selling commodities in large quantities to retailers,

Wireless Communication Support Structure: 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.

X. Reserved “X”

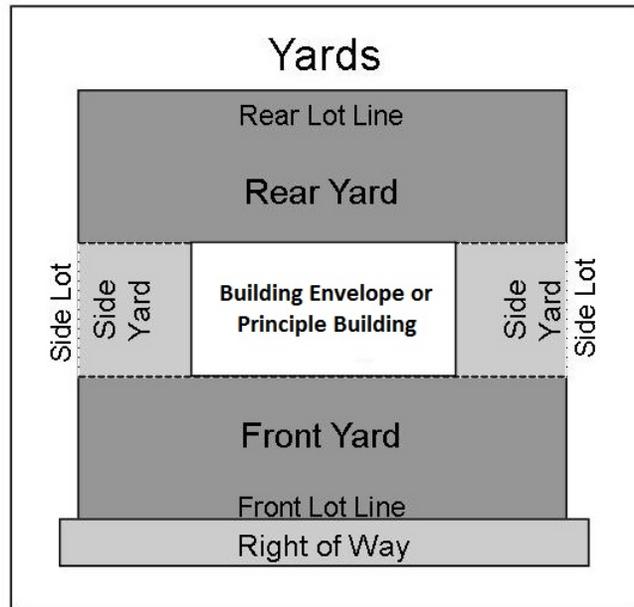
Y. Definitions “Y”

Yard: A yard is an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. A required setback area (within which no structure or building can be located) is also considered a “yard”.

Yard, Front: A Yard extending across the full width of the Lot or parcel of land, the depth of which is the distance between the Front Lot Line and the foundation line of the Building or Structure. In the case of waterfront Lots, the Yard on the Street side shall be the Front Yard.

Yard, Rear: A Yard, unoccupied except for Accessory Buildings, extending across the full width of the Lot or parcel of land, the depth of which is the distance between the Rear Lot Line and the rear foundation line of the main Building.

Yard, Side: A Yard between a main Building and the side Lot Line extending from the Front Yard to the Rear Yard. The width of the required Side Yard shall be measured from the nearest point of side Lot Line to the nearest part of the main Building.



Z. Definitions “Z”

ZBA: The Zoning Board of Appeals for Gaines Charter Township.

Zoning Act: The Michigan Zoning Enabling Act, being MCL 125.3101 *et seq.*, as amended.