

## ARTICLE 2

### DEFINITIONS AND RULES APPLYING TO TEXT

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#### Section 2.1 Rules Applying to Text.

The following rules shall apply to the text and language of this Ordinance:

- (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, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Words used in the present tense shall include the future, words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (e) The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (f) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

#### Section 2.2 Definitions.

For the purpose of this Ordinance, certain words and terms are herewith defined.

**Accessory Building or Structure.** A detached or attached subordinate building or structure located on the same lot as an existing principal building, the use of which is clearly incidental or secondary to that of the principal building including, but not limited to a private garage, carport/cover or implement shed.

**Accessory Use.** A use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; including, but not limited to garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

**Adult Day-Care Facility.** Includes all of the following:

- (1) Adult Family Day-Care Home. A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (2) Adult Group Day-Care Home. A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (3) Adult Day-Care Center. A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

**Adult Foster Care Facility.** A state-licensed 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 handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

- (1) Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

- (2) Adult Foster Care Small Group Home: An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- (3) Adult Foster Care Large Group Home: A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- (4) Adult Foster Care Congregate Facility: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

**Adult Regulated Uses.** Includes all of the following:

- (1) Adult Book or Supply Store. An establishment having twenty (20) percent or more of its stock-in-trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, compact discs and DVD's 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".
- (2) Adult Cabaret. An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.
- (3) Adult Motion Picture Theater. An enclosed building or structure 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" for observation by patrons therein.
- (4) Adult Motion Picture Theater, Adult Live Stage Performing Theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein. Such 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.

- (5) Adult Physical Culture Establishment. An "Adult Physical Culture Establishment" is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:
- A. 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;
  - B. Electrolysis treatment by a licensed operator of electrolysis equipment;
  - C. Continuing instruction in material or performing arts or in organized athletic activities,
  - D. Hospitals, nursing homes, medical clinics or medical offices; and
  - E. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
- (6) Body-Piercing. Body-piercing means the perforation of human tissue other than an ear for a non-medical purpose.
- (7) Body-Piercing Establishment. An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.
- (8) Brand or Branding. The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.
- (9) Burlesque Show. An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where beer or intoxicating liquors are not sold on the premises.
- (10) Escort Agency. Any business, agency, or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- (11) Nude Modeling Studio. An establishment used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw.

- (12) Specified Anatomical Areas. Specified anatomical areas means and includes any one (1) or more of the following: (a) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (13) Specified Sexual Activities. Specified sexual activities means and includes any one (1) or more of the following: (a) the fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to, any one of the activities described above, and (e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.
- (14) Tattoo Parlor. An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

**Agricultural Land.** Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, forestry and other similar uses and activities.

**Aircraft.** As defined in the Michigan Aeronautics Code, any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air.

**Airfield.** The landing field of an airport.

**Airport.** As defined in the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code, any location, either on land or water, which is used for the landing and take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

**Airstrip.** The runway without normal airport facilities.

**Alteration.** Any modification, addition, or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building, whether by increasing the height or extension of diminution; or the moving of a building from one location to another.

**Animals.**

- (1) Class I Animal. Domesticated animals which are not Class II, III, or IV, or Class V animals and which are customarily considered household pets.
  
- (2) Class II Animal. An animal which is normally part of the livestock maintained on a farm, including:
  - A. Bovine and like animals, including, but not limited to the cow, buffalo, elk, llama, and alpaca;
  
  - B. Equine and like animals, including, but not limited to the horse;
  
  - C. Swine and like animals, including, but not limited to the hog which are in excess of six (6) months in age;
  
  - D. Ovine and like animals, including, but not limited to the sheep and goat;
  
  - E. Other animals weighing in excess of seventy-five (75) pounds and not otherwise specifically included in Class II including, but not limited to the ostrich and the emu.
  
- (3) Class III Animal. Rabbits which are not maintained or kept as domesticated household pets, animals considered as poultry, and other animals weighing less than seventy-five (75) pounds not specifically treated herein.
  
- (4) Class IV Animal. Wild or undomesticated animals which are not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would generally weigh less than one hundred (100) pounds and would not cause a reasonable person to be fearful of bodily harm or property damage.
  
- (5) Class V Animal. Dangerous wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would cause a reasonable person to be fearful of bodily harm or property damage.

**Animal Rescue or Shelter.** A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

**Apartment.** A dwelling unit within a multiple-family residential dwelling (see Dwelling, Multiple Family).

**Arcade.** Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine, or apparatus operated by a patron who plays, exhibits, emits, produces, or displays, entertainment, or amusement in the form of a game, motion picture, music, performance, or similar entertainment. The term does not include vending machines used to dispense food, toys, or other products for use and consumption, kiddy rides, jukeboxes, bowling alleys, or pool tables.

**Architectural Features.** Architectural features of a building shall include but not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

**Assembly or Dance Hall.** A public or semi-public building, room, or structure in which a group of people can gather together for worship, meetings, instruction, banquets, exhibits or entertainment.

**Automobile Dealer.** A building or premises used primarily for the sale of new or used automobiles and recreational vehicles.

**Automobile Repair Shop or Garage.** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, including, but not limited to body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing.

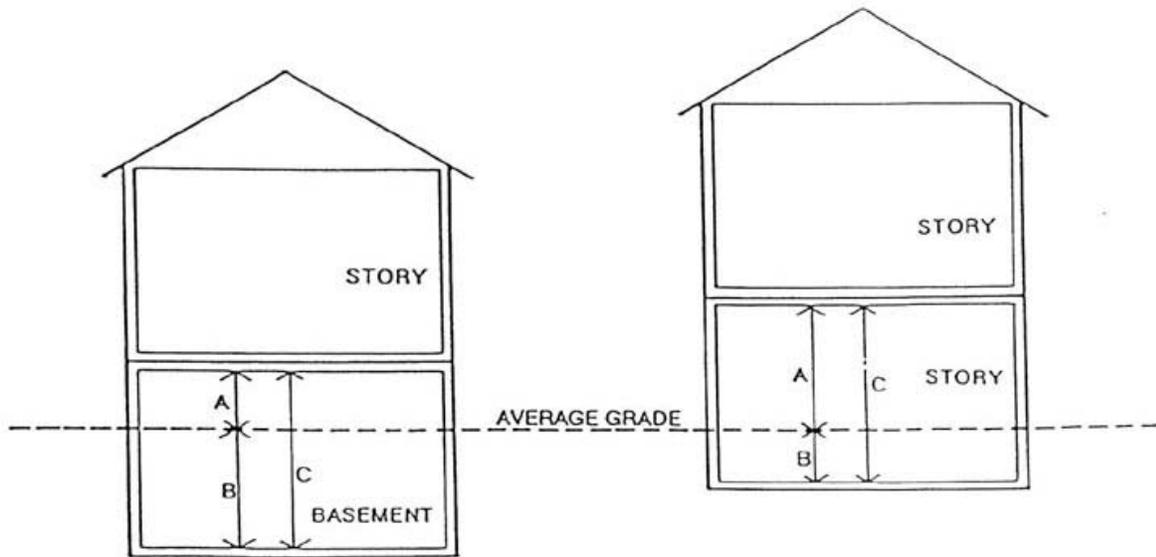
**Automobile Service Station.** A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, including, but not limited to: polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including body work, painting, or refinishing thereof. In addition to automobile service, towing, convenience stores and carry out restaurants may be included.

**Automobile Washes or Car Wash Establishment.** A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

**Bar.** An establishment containing tables and chairs, and a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises.

**Barn.** A building for the storage of farm products, for feed, or for the housing of farm animals or farm equipment.

**Basement.** That portion of a building having more than one-half (1/2) of its height below finished grade.



If the average of A is equal to or less than 1/2 of B then C is a basement.

If the average of A is greater than 1/2 of B then C is a story.

**Basin.**

- (1) Detention. A basin wherein water is stored for a relatively brief period of time, part of its being retained until the outlet can safely carry the ordinary flow plus the released water. Some basins have outlets usually without control gates, and are used for flood regulation.
- (2) Retention. A basin wherein water is stored for a period of time until the outlet can safely carry the released water. Such basins have control gates which can be released at a given time. This type of basin is used for flood regulation.

**Bed and Breakfast Operations.** A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

**Bedroom.** A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes by human beings.

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

**Building.** A structure having a roof supported by columns or walls.

**Building Code.** The currently adopted code or codes regulating building construction in Sanilac County.

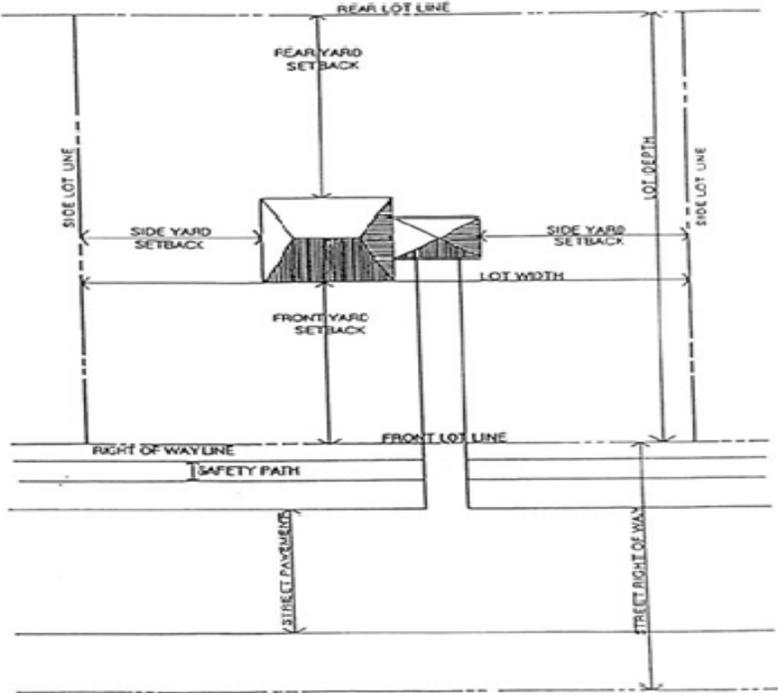
**Building, Farm.** Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

**Building Height.** The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface. Where the building may be situated on sloping terrain, this height shall be measured from the highest level of the finished grade at the building wall. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**Building Inspector.** The person(s) designated by the Sanilac County Building Department to enforce the Building Code.

**Building Official.** The officer or other designated authority charged with the administration and enforcement of the Building Code, or a duly authorized representative.

**Building Setback Line.** The line established by the minimum required setbacks forming the area within a lot in which a building may be located.



**Cemetery.** Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated of the dead. Also may include structures for the interment of the dead in sealed crypts or compartments. May include chapel and/or storage buildings.

**Child Day-Care Facilities.** The following definitions shall apply in the construction and application of this Ordinance:

- (1) Child Family Day-Care Home. A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (2) Child Group Day-Care Home. A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (3) Child Day-Care Center. A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

**Child Foster Family Facilities.** Means the following:

- (1) Child Foster Family Home. A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, 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.
- (2) Child Foster Family Group Home. A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, 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.

**Church.** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, along with all accessory buildings and uses customarily associated with such primary use.

**Clinic, Medical.** A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; including, but not limited to, a physician, dentist, or the like, except that the patients are not lodged therein overnight.

**Club or Lodge.** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

**Commercial Recreation.** A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types, including, but not limited to an indoor or outdoor golf driving range.

**Community Wastewater Utility System or Systems (CWUS).** A facility which is owned by a non-governmental entity and is designed, constructed, operated, and maintained to transport, collect, process, and treat sanitary sewage from more than one (1) dwelling unit or structure. The system shall include any individual septic tanks, pumps, lines, and appurtenances serving each dwelling unit or structure in addition to facilities, sewers, and appurtenances that serve more than one (1) dwelling unit or structure.

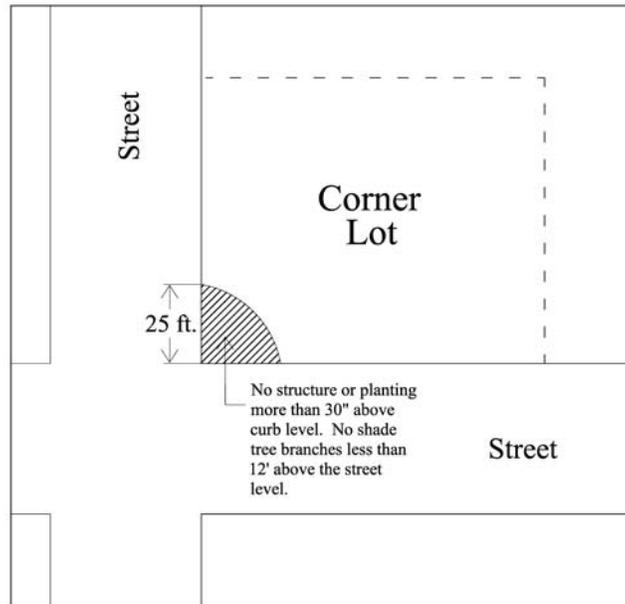
**Condominium.** A building or lot governed under Act 59, Public Acts of 1978, as amended.

**Construction.** Any site preparation, assembly, erection, substantial repair, alteration or similar action, done to a public or private right-of-way, structure, utility or similar property.

**Convalescent or Nursing Home.** See Senior Housing.

**Convenience Grocery Store.** A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

**Corner Clear Zone.** The portion of a corner lot which shall be maintained free of any structures, grade change (i.e. berm) or plantings to ensure sufficient visibility for motor vehicles.



**County Road, Gravel.** Any gravel road which has been dedicated to and accepted for maintenance by the Sanilac County Road Commission, the State of Michigan, or the federal government, but which is subject to Township approval.

**County Road, Paved.** Any paved road which has been dedicated to and accepted for maintenance by the Sanilac County Road Commission, the State of Michigan, or the federal government, but which is subject to Township approval.

**Detached.** A self contained and enclosed building which does not depend on shared or common walls with adjacent building or buildings.

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

**Drive-In Business.** Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions and is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in said vehicle.

**Driveway.** A paved or unpaved road intended for vehicular access to an individual lot.

**Dry-Cleaners, Coin Operated.** A building or part of a building where the services of coin operated dry cleaning machines, using only non-combustible and non-flammable solvents, is made available to the public for the purpose of dry cleaning.

**Dry Cleaners, Distribution Station.** A building or part of a building used only for the purpose of collection and distribution of articles to be subjected to the process of dry cleaning, washing, dry dyeing, cleaning and spotting and stain removing, and for the pressing of any such articles or goods which have been subjected to any such process elsewhere at a dry cleaners' plant.

**Dry Cleaning or Laundry Outlet.** A building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a process, carried out on-site, of cleaning or dyeing. Such establishment may also be used for pressing and/or distributing any articles or goods of fabric that have been received therein.

**Dwelling.** A dwelling is a building used exclusively as a residence by not more than one (1) family but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling.

**Dwelling, Multiple-Family.** A building consisting of two (2) or more dwelling units.

**Dwelling, Single-Family.** A building designed for, or occupied exclusively by, one (1) family.

**Dwelling Unit.** One (1) or more rooms with kitchen and sanitary facilities designed as a unit for occupancy by not more than one (1) family for cooking, living and sleeping purposes.

**Easement.** A grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a "public" or "private" easement depending on the nature of the use.

**Erection.** Build, construct, alter, reconstruct, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

**Essential Services.** Services and utilities needed for the health, safety, and general welfare of the community, including, but not limited to underground, surface, or overhead electrical, gas, telephone, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

**Extractive Operation.** Premises from which any rock, gravel, sand, topsoil, or earth in excess of five hundred (500) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

**FAA.** Federal Aviation Administration.**FCC.** Federal Communications Commission.

**Family, Functional.** A group of no more than four (4) persons, plus their minor children, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. A functional family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals, exceeding four (4) persons in number, where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

**Family, Immediate.** An immediate relative related by blood, marriage, adoption or guardianship, including a parent, child, grandparent or grandchild.

**Farm.** The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the production of farm products.

**Farmer's Market.** The seasonal or year round sale of such locally grown products as fruits, vegetables and plants, farm products including, but not limited to honey, eggs and milk, and homemade foods including, but not limited to jams, jellies, pies, and breads.

**Farm Operation.** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the production, harvesting, and storage of farm products, and includes, but is not limited to:

- (1) Marketing produce at roadside stands or farm markets.
- (2) The generation of noise, odors, dust, fumes, and other associated conditions.
- (3) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- (4) Field preparation and ground and aerial seeding and spraying.
- (5) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides and herbicides.
- (6) Use of alternative pest management techniques.
- (7) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.

- (8) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- (9) The conversion from a farm operation activity to other farm operation activities.
- (10) The employment and use of labor.

**Farm Product.** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

**Farm Supply, Wholesale/Retail.** A building, structure or area where farm equipment and farm supplies are kept for sale, but shall not include any other establishment defined or classified herein.

**Fence.** A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure.

**Filling.** The depositing or dumping of any matter onto or into the ground, except common household grading and general farm care.

**Flag Lot.** Flag lot means a lot, the major portion of which has access to a street frontage which is less than required by ordinance.

**Flea Market.** An indoor or outdoor facility for the sale, barter, trade, or exchange of goods.

**Flood Insurance Study.** The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

**Floodplain.** That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

**Floor Area.** For the purpose of computing, the minimum allowable floor area in a residential dwelling unit, which is the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, non-habitable attached accessory buildings (garages), breezeways and enclosed and unenclosed porches.

**Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. Any space devoted to off-street parking or loading shall not be included in gross floor area. The floor area measurement is exclusive of areas of basements, unfinished attics, non-habitable attached accessory buildings (garages), breezeways and enclosed and unenclosed porches.

**Floor Area, Usable (UFA).** The measurement of usable floor area shall be as follows:

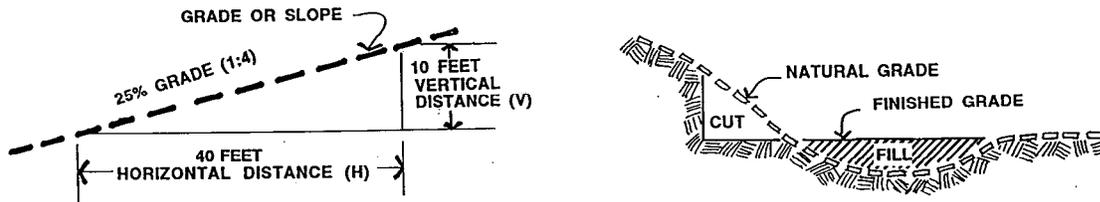
- (1) Nonresidential. The measurement of usable floor area for nonresidential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus that area similarly measured, of all other stories that are accessible by the fixed stairway, ramp, escalator or elevator, which may be made fit for use, the measurement shall include the floor area of all accessory buildings measured similarly.
- (2) Residential. The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus the area, similarly measured, of all other stories having enough headroom for intended use, that are accessible by the fixed stairway and which may be usable for human habitation, but excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways and unenclosed porches.

**Garage.** A non-habitable attached or detached accessory building which is designed for the storage of private automobiles, materials, tools or other equipment necessary to maintain the property.

**Garage, Commercial.** Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

**Generally Accepted Agricultural and Management Practices (GAAMPS).** Those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University Experiment Station in cooperation with the United States Department of Agricultural Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan Department of Natural Resources, and other professional and industry organizations.

**Grade.** The degree of rise or descent of a sloping surface.



**Grade, Finished.** The final elevation of the ground surface after development.

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

**Harbor Line.** As defined by the Army Corps of Engineers or any other applicable federal agency.

**Hazardous Substance.** Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this Ordinance are also hazardous substances.

**Home Based Business.** An occupation, profession, activity, or use that is clearly incidental and secondary but integrated into a dwelling unit or an accessory structure. The business may also employ non-residents of the home.

**Home Occupation.** An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**Hospital.** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

**Hotel or Motel.** A building or group of buildings in which lodging is provided to the transient public.

**Intensive Livestock Operations.** An agricultural operation in which many livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of confined livestock in the confined area and the amount of land which serves as the waste disposal receiving area.

**Junk Yard.** A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials including, but not limited to old iron or metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

**Kennel, Commercial.** An establishment wherein or whereon three (3) or more dogs, cats or other domestic animals are confined and kept for sale, boarding, breeding or training purposes, for remuneration.

**Kennel, Private.** Any building and/or land used, designed or arranged for the temporary or permanent boarding, breeding, training or care of dogs, cats, or other domestic animals belonging to the owner thereof and kept for purposes of show, hunting, or as pets (but not to include riding stables, or animals raised for agricultural purposes). The keeping of such animals shall be strictly incidental to the principal use of the premises and shall not be for the purposes of remuneration or sale.

**Landfill.** Any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse.

**Landing Field.** A field where aircraft may land and take off.

**Landing Strip.** An airstrip.

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

- (1) Berm. A landscaped mound of earth which blends with the surrounding terrain.

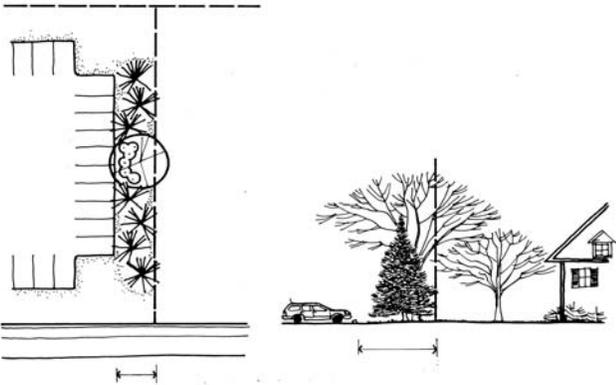


- (2) Buffer. A landscape area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.

- (3) Conflicting non-residential land use. Any non-residential use, including, but not limited to office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.

- (4) Conflicting residential use. Any residential land use developed at a higher density which abuts a residential land use developed at a lower density

- (5) Greenbelt. A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.



- (6) Opacity. The state of being impervious to sight.
- (7) Plant material. A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

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

**Lot.** A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) Any combination of complete and/or portions of lots of record;
- (4) A parcel of land described by metes and bounds.

**Lot Area, Gross.** The net lot area plus any public road right-of-way or private road easement contained within the property boundary. Net lot area shall be used to determine compliance with minimum lot area requirements.

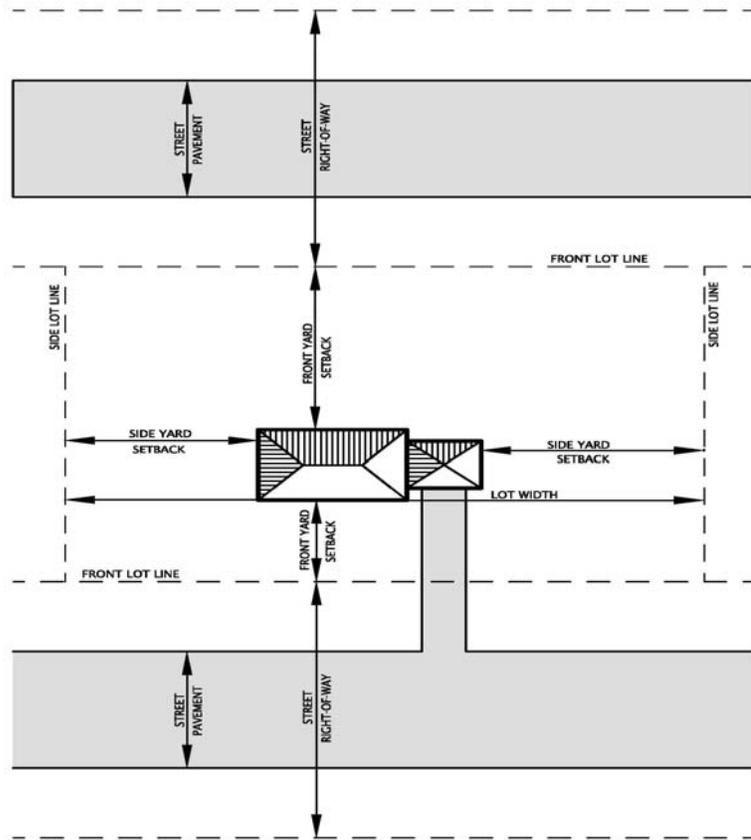
**Lot, Corner.** A lot with frontage on two (2) intersecting streets.

**Lot Coverage.** That part or percentage of the lot occupied by buildings, including attached and detached accessory buildings.

**Lot Depth.** The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

**Lot, Interior.** An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

**Lot, Through (Double Frontage).** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where the structures presently fronts.



**Lot Line.** Any line dividing one (1) lot from another or from a public or private right-of-way, and thus constitutes the property lines bounding a lot.

**Lot Line, Front.** In case of an interior lot, the lot line separating said lot from the street or private road.

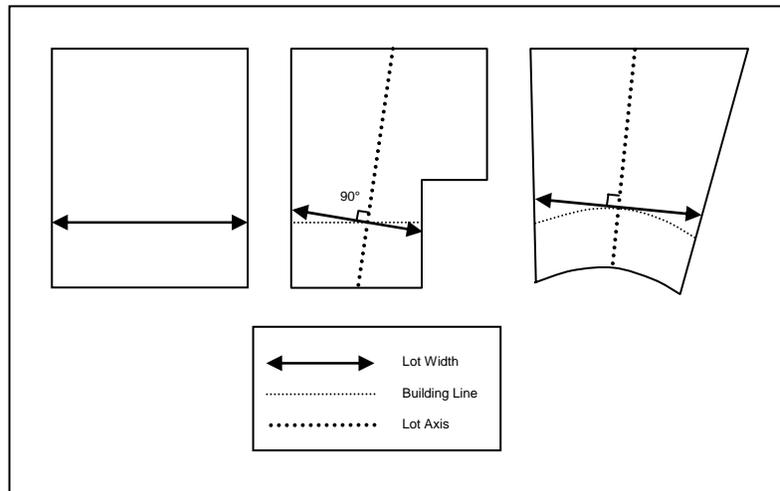
**Lot Line, Rear.** The lot line opposite and most distance from front lot line. In the case of an irregularly shaped lot, such lot line shall be an imaginary line parallel to the front lot line but not less than ten (10) feet long and measured wholly within said lot.

**Lot Line, Side (Interior or Exterior).** Any lot line which is not a front lot line or a rear lot line. A lot line separating a lot line from the side street is an exterior side lot line while a lot line separating a lot from another lot, or lots, is an interior side lot line.

**Lot of Record.** A lot of record is a lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Sanilac County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

**Lot, Waterfront.** Any lot which abuts and faces onto a lake, river or similar body of water.

**Lot, Width.** The horizontal distance between the side lot lines measured at the two (2) points where the required front yard setback line intersects the side lot lines. Where the side lot lines are not parallel, lot width shall be the length of a straight line perpendicular to the lot axis, measured where the lot axis crosses the building line. The lot axis shall be a straight line, located within the lot lines of the lot, joining the midpoints of the front and rear lot lines.



**Lot, Zoning.** A single tract of land, located within a single block which, at the time of applying 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 and which tract satisfies the applicable requirements of this Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

**Manufactured Housing Unit.** A dwelling unit manufactured in one (1) or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed manufactured housing community or mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) or the American National Standards Institute (ANSI), if built prior to 1976, and installed in accordance with this Ordinance and the State Construction Code. Such dwellings do not include recreational vehicles including, but not limited to travel trailers, motor coaches, campers and the like.

**Manufactured Housing Community.** A specifically designated parcel of land constructed and designed to accommodate three (3) or more manufactured housing units for residential dwelling use, and licensed by the State of Michigan in accordance with Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), the Mobile Home Commission Act.

**Master Land Use Plan.** The plan prepared and adopted by the Sanilac Township Planning Commission in accordance with Public Act 33 of 2008 relative to the agreed upon desirable physical land use pattern for future Township development.

**Non-Conforming Building or Structure.** A nonconforming building or structure is a complete building or structure or portion thereof lawfully existing at the effective date of this Ordinance, or subsequent amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

**Non-Conforming Use.** A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

**Occupied.** The use of any structure, parcel or property for human endeavor, but not including the preparation of any structure or land for occupancy.

**Off-Street Parking Area.** A land surface or 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) automobiles.

**Open Air Business Use.** A business use operated for profit, substantially in the open air, usually without buildings or structures, uses including, but not limited to the following:

- (1) Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- (2) Outdoor display and sales or garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- (3) Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- (4) Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

**Open Space.** Any land area suitable for growing vegetation, recreation, gardens, or household service activities, including, but not limited to, clothes drying, but not occupied by any buildings or other structures, except as provided in this Ordinance.

**Open Storage.** A land area occupied and used for outdoor storage of building materials, sand gravel, stone, lumber, equipment and other supplies.

**Outdoor Wood, Corn, Pellet Fired, or coal Boiler or Furnace.** A fuel burning device designed: (1) to burn primarily wood, corn, or pellets by hand-firing; (2) not to be located inside structures ordinarily occupied by humans; and (3) to heat spaces or water by the distribution through pipes of a fluid heated in the device, typically water. Examples of common uses of outdoor wood-fired boilers include residential or commercial space heating, heating of domestic hot water, and heating of water for swimming pools, hot tubs, or whirlpool baths.

**Parcel.** A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, lot of record, or a piece of land created through other methods.

**Park, Private.** A parcel of land used by a limited group of people, an organization, or an institution for recreational purposes which may include, but not be limited to such uses as pools, playgrounds, picnic areas, camping grounds, nature trails, driving ranges, etc.

**Park, Public.** A parcel of land used for recreation purposes by the community-at-large, which may include similar activities as outlined under “Private Parks”.

**Parking Space.** One (1) unit of a parking area provided for the parking of one (1) vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

**Permitted Use.** Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

**Person.** Person shall include any individual, firm, association, partnership, joint venture, corporation, limited liability company, or other entity.

**Personal Service Establishment.** A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.

**Planning Commission.** An appointed Commission empowered to help administer the provisions of this Ordinance.

**Plat.** A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967.

**Pond.** Any excavation, or the altering of a watercourse by damming or excavation, or combination thereof, for the purpose of creating thereby a body of water greater than fifty (50) square feet in area, and eighteen (18) inches in depth, except for detention or retention basins.

**Porch, Enclosed** (includes patio). A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Porch, Open** (includes patio and deck). A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Practical Difficulties.** See "Zoning Variance".

**Premise.** All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

**Principal Building or Structure.** The main building or structure in which the primary use is conducted.

**Principal Use.** The primary, or chief purpose for which a lot is used.

**Property Line.** The imaginary line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the "property line" shall be the nearest boundary of the public right-of-way.

**Public Service.** Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

**Public Utility.** Any person, firm, corporation, or municipal agency authorized under Federal, State, County or municipal regulations to furnish electricity, gas, communications, transportation, water, or sewer services.

**Recreational Vehicle.** "Recreational Vehicles" shall include the following:

- (1) Boats and Boat Trailers. "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- (2) Folding Tent Trailer. A canvas folding structure mounted on wheels and designed for travel and vacation use.
- (3) 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.

- (4) Other Recreational Equipment. Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- (5) 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.
- (6) Travel Trailer. A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

**Restaurant.** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below.

- (1) Restaurant, Carry-Out. A carry-out restaurant is a restaurant whose method of operation involved sale of food, beverages, and/or frozen deserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the premises.
- (2) Restaurant, Drive-In/Drive-Through. A drive-in/drive-through restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.
- (3) Restaurant, Fast-Food. A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (4) Restaurant, Sit Down. A standard restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

- (5) **Bar/Lounge.** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

**Right-of-Way, Public.** A legally dedicated public strip or area of land which may be varying widths allowing the right of passage and upon which a public road may be constructed.

**Right-of-Way, Private.** A strip or area of land which may be varying widths allowing passage in accordance with Ordinance No. 97-6, Land Division, Section 275.008, as amended.

**Road.** A public or private thoroughfare which affords the principal means of access to abutting property. The road types are defined as follows:

- (1) **Arterial:** Provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.
- (2) **Collector:** Provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.
- (3) **Local:** Consists of all roads not defined as arterials or collectors; primarily provides access to land with little or no through movement.
- (4) **Private:** A paved or unpaved road for access to one or more residences which is maintained by the property owners.

**Road Frontage.** The legal line which separates a dedicated road right-of-way or easement from abutting land to which it provides over-the-curb vehicular access.

**Road, Frontage Access.** A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

**Road, Hard Surface.** A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission, the Michigan Department of Transportation.

**Roadside Stand or Market.** A roadside stand or market is a temporary use of property or facilities for the selling of produce.

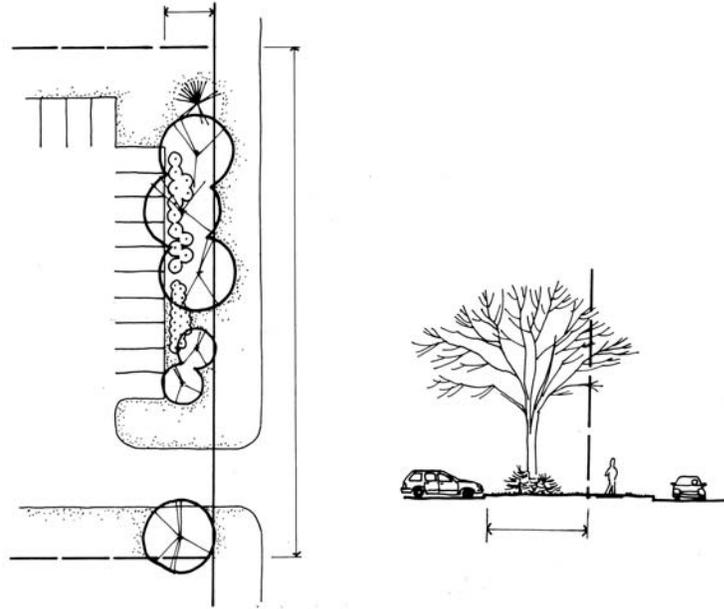
**Roomer or Boarder.** A person who occupies a rooming unit or occupies a room unit and receives meals for compensation in a rooming house or in a dwelling unit.

**Rooming and Boarding House.** A portion of an owner-occupied, single-family dwelling unit or accessory building, not to exceed a total of 1,000 square feet in area, with or without separate

kitchen facilities, for not more than six (6) individuals other than family, for an extended period of time, for compensation.

**Rooming Unit.** Any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

**Screen.** A structure providing enclosure, including, but not limited to a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.



**Self-Storage Facility.** A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Such facilities are typically, but not necessarily, contained within a fenced, controlled access compound.

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

- (1) Independent Living. A multiple-family housing structure with full facilities for self-sufficiency in each individual dwelling unit.
- (2) Congregate Care. A dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option. Limited medical care is available.

- (3) Assisted Living. A dependent elderly housing facility without cooking facilities and only central dining service. Limited medical care is available.
- (4) Convalescent Home. A state licensed medical establishment providing accommodation and care for aged or infirmed persons, or for those who are bedfast or needing considerable nursing care, but not including facilities for the treatment of sickness or injuries or facilities for surgical care. Commonly referred to as “nursing home”.

**Setback.** The minimum required horizontal distance between the building or structure and the front, side, and rear lot lines and natural features.

**School.** A building used for the purpose of public or private elementary or secondary, special or higher education, which meets all requirements of the compulsory education laws of the State of Michigan.

**Shed.** A self contained and enclosed single story building of less than or equal to 200 square feet which does not depend on shared or common walls with adjacent building or buildings.

**Shoreline.** The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County Drain Commissioner or not in the State Department of Natural Resources. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

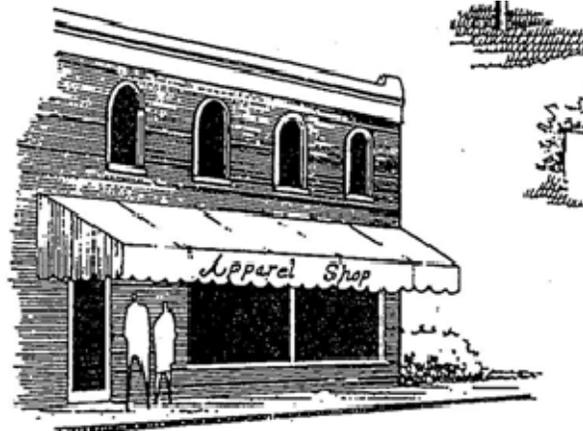
**Shopping Center.** More than one (1) commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

**Sign.** A device which is affixed to, or otherwise located or set upon a building, structure or parcel of land which directs attention to an activity, or business. The definition includes interior signs, which are directed at persons outside the premises of the sign owners, and exterior signs, but not signs primarily directed at persons within the premises of the sign owner. The definition does not include goods for sale displayed in a business window. The following additional definitions are provided:

- (1) Banners and Flags. Considered part of a sites signage and shall include all removable fabric, cloth, paper or other non-rigid material suspended or hung from light poles, buildings or other site amenities. These signs may or may not include a business logo or symbol.
- (2) Billboard. A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted (an off-site sign) and is regulated in accordance with

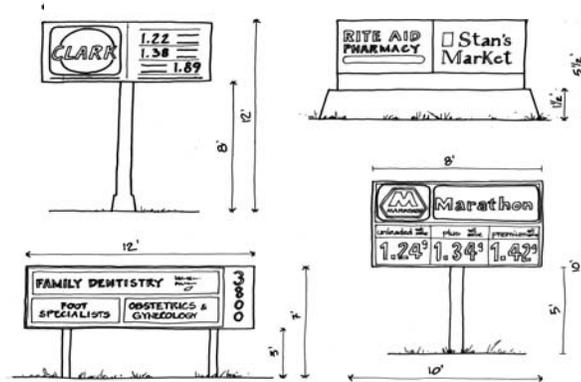
regulations governed by the Highway Advertising Act, P.A. 106 of 1972 as amended.

- (3) Canopy Sign. Means a sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits off the canopy.



- (4) Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time, temperature or stock market information shall be considered a "time, temperature and stock market" portion of a sign and not a changeable copy sign for purposes of this ordinance.
- (5) Digital/Electronic Sign. A sign that uses changing lights or other electronic media to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by an electronic process.
- (6) Directional Sign. A sign directing and guiding vehicular or pedestrian traffic or parking but bearing no advertising matter.

- (7) **Ground Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.



- (8) **Menuboard.** A sign that displays menu items and may contain a communication system for placing food orders or other items at an approved drive-through facility.
- (9) **Nameplate Sign.** A single face sign directly attached/affixed to a single family residence which only identifies the name and address of the residents.
- (10) **Temporary Sign.** A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building. Political signs are included within the definition for portable temporary signs.



**TEMPORARY SIGNS**

- (11) **Projecting Sign.** A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign. Marquee signs are included within the definition for projecting signs.
- (12) **Promotional Banner.** A sign made of fabric, cloth, paper or other non-rigid material that is typically not enclosed in a frame and advertises a product or service offered on the premises.
- (13) **Real Estate Sign.** A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

- (14) Roof Sign. Any sign wholly erected to, constructed/or maintained on the roof structure of any building.



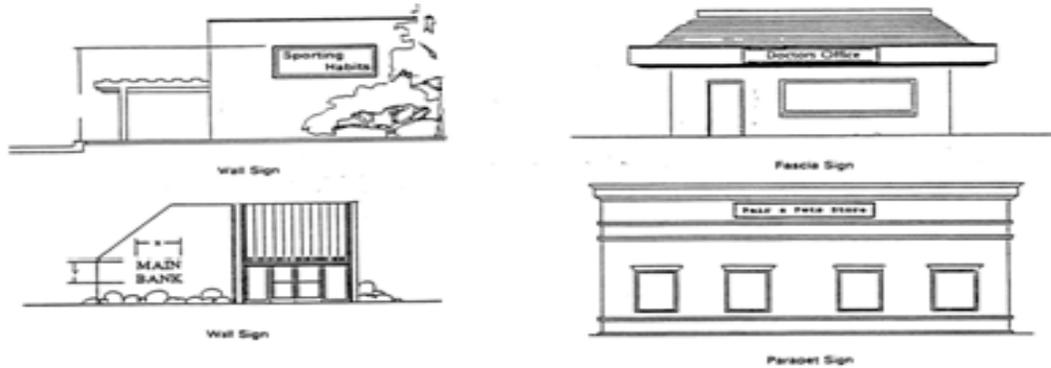
- (15) Sign Structure. That part of the sign which structurally supports the sign message area whether integrated into the message area through the use of the same materials or through the use of complementing but different materials.
- (16) Sign Surface. That part of the sign upon, against, or through which the message is displayed or illustrated.

- (17) Sign Message Area. A sign message is the area, computed in square feet, within which the letters, figures, numbers or symbols are contained. The area is determined by measuring the height of the extreme perimeters of all letters, figures, numbers or symbols, by the width of the same. The area of all changeable copy signs shall be determined by measuring the total area within which the copy can be altered.



- (18) Subdivision Entryway Sign. A ground mounted single or double sided sign which identifies the name of the subdivision/development and street address only.
- (19) Suspended Sign. A sign that is suspended or hung from the underside of an eave, porch roof or awning.

- (20) **Wall Sign.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.



- (21) **Window Sign.** A sign installed inside a window and intended to be viewed from the outside.



**Single Ownership.** Ownership by one (1) person or by two (2) or more persons jointly, as tenants by the entirety, or as tenants in common, or a separate parcel of real property not adjacent to land in the same ownership.

**Site Plan.** Includes the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. A scaled drawing which shows the intended and/or existing location and dimensions of improvement or structures upon a parcel of property, including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities, utilities or similar physical improvements.

**Slaughter House.** A building used for the slaughtering of animals and the scalding, butchering and storage of carcasses for human consumption, but not including the rendering, smoking, curing or other processing of meat, fat, bones, offal, blood, or other byproducts of the permitted operations.

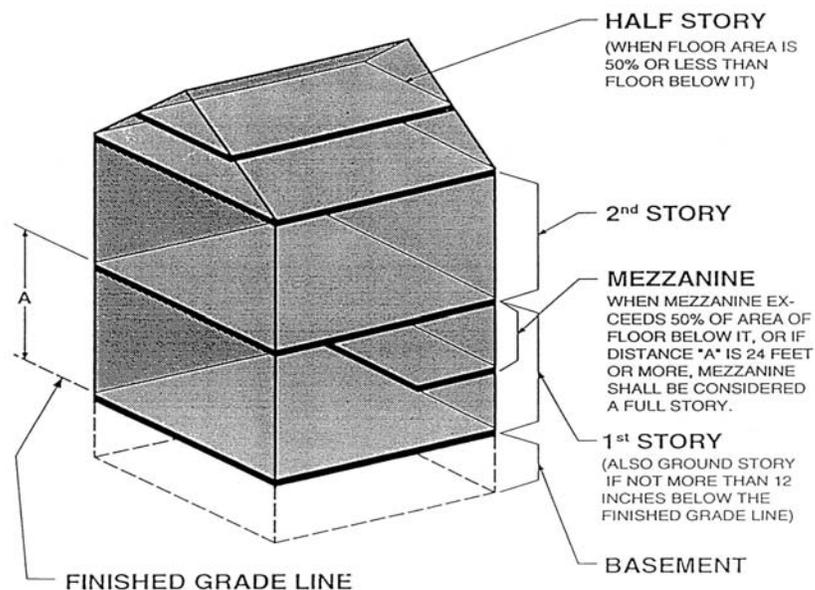
**Special Land Use.** A use which is subject to special land use approval by the Planning Commission. A special land use may be granted only when there is a specific provision in this Ordinance. A special land use is not considered to be a nonconforming use.

**Stable, Commercial.** A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are rented, hired, or used on a commercial basis including breeding for compensation, also to include the renting of stable space, for the above mentioned animals not owned by the owner/proprietor(s) of a commercial stable. Add breeding purposes from kennel definition.

**Stable, Private.** A structure that is used for the shelter, riding and care of horses, llamas, mules or donkeys which are kept or boarded for the sole enjoyment of the owners, and does not include the renting or hiring of the above mentioned animals on a commercial basis or the renting of stable space.

**State Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Facility Act, and provides residential services for six (6) or fewer persons under 24-hour supervision or care.

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



**Story, One-Half.** A story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed one-half (1/2) of the area of the floor below.

**Street.** A public thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than sixty-six (66) feet in width. Various types of streets are defined as follows:

- (1) Arterial Street. A major street that carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the Township.
- (2) Collector Street. A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but may also provide direct access to abutting properties.
- (3) Cul-De-Sac. A street that terminates in a vehicular turnaround.
- (4) Local or Minor Street. A street whose sole function is to provide access to abutting properties.
- (5) Private Street or Road. A street or road under private ownership which has been constructed to Township specifications and received Township Board approval for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon.
- (6) Service Drive. A roadway, normally adjacent to an existing primary roadway, designed to access principle land uses.

**Street Line.** The dividing line between the street right-of-way and the lot. When such right-of-way is not definable, a line shall be defined as thirty-three (33) feet on either side of the center of the street.

**Structure.** Anything constructed or erected above ground level or which is attached to something located on the ground. Structures typically include such things as buildings, amateur radio towers, sheds, carports/covers and decks.

**Subdivision.** A partitioning or dividing of a parcel or tract of land by the owner or any legal representatives for the purpose of sale, or lease for more than one year, or building development.

**Supermarket.** A retail establishment primarily selling food as well as other convenience and household goods to the general public, which operates on a self-service, cash and carry basis and may include facilities for parcel pickup. Supermarkets commonly have a gross floor area of between thirty-five thousand (35,000) and seventy-five thousand (75,000) square feet.

**Swimming Pool.** Any structure or container located either above or below grade designed to hold water to depths greater than 24 inches, intended for swimming or bathing, including swimming pools, hot tubs, jacuzies, whirlpools and ponds.

**Temporary Use of Building or Land.** A use of a building or premises permitted to exist during construction of the main building, or for special events.

**Thoroughfare.** A roadway contained within the limits of a right-of-way, having a high degree of continuity throughout a municipality or geographic region and used primarily for the conveyance of large volumes of traffic.

**Time Limits.** Unless otherwise specified, time limits stated in this ordinance shall be measured from midnight of the date on which the cause of action arises. Specific units of measure shall be as follows:

- (1) Days. Consecutive periods of twenty-four (24) hours.
- (2) Weeks. Consecutive periods of seven (7) days.
- (1) Months. Consecutive periods of twenty-eight (28) to thirty-one (31) days,
- (2) Years. Consecutive periods of three hundred sixty-five (365) days.

**Township Board.** The duly elected legislative body of Sanilac Township.

**Travel Trailer Park/Campground.** Land intended to house travel trailers, tents, or other similar temporary methods of travel, recreation or vacation housing.

**Undeveloped State.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. The term “greenway” shall mean a contiguous or linear open space, including habitats, wildlife corridors and trails that links parks, nature preserves, cultural features, or historic sites with each other for recreational or conservation purposes.

**Unnecessary Hardship.** See "Zoning Variance"

**Use.** The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

**Variance.** See "Zoning Variance"

**Veterinary Clinic.** An enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such

animals limited to short time boarding incidental to clinic or hospital use. Such clinics include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal clinics shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

**Wall.** An obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material.

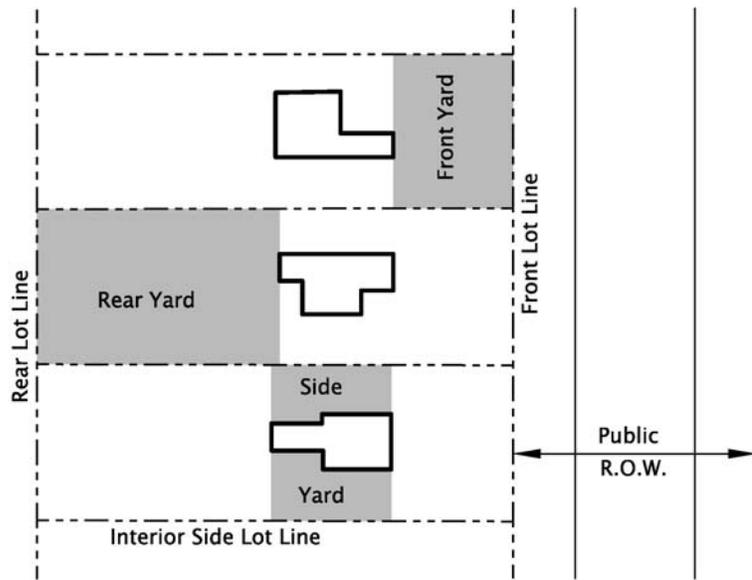
**Wind Energy Conversion System (WECS):** Any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.

- (1) Private WECS: Any WECS that is accessory to a principal use located on the same lot, and is designed and built to serve the needs of the principal use.
- (2) Commercial WECS: Any WECS that is designed and built to provide electricity.

**Wireless Communication Facilities.** Shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham amateur radio facilities; satellite dishes; and, governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- (1) Attached Wireless Communications Facilities. Any wireless communication facility affixed to an existing structure, including, but not limited to a building, tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.
- (2) 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.
- (3) Collocation. The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

**Yard.** An open space which is unoccupied except for certain structures which are specifically permitted by the Ordinance.



**Yard, Front.** The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building in which the principal use is located. Parcels fronting on two (2) public roadways shall be deemed to have two (2) front yards.

**Yard, Front, Road, and Waterfronts.** Both are defined as front yards or setbacks from road right-of-way lines and shorelines of water bodies.

**Yard, Rear.** The required open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the back lot line and the nearest point of the main building in which the principal use is located.

**Yard, Required.** An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area 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.

**Yard, Side.** The required open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building in which the principal use is located.

**Zoning Administrator.** This Zoning Ordinance shall be administered and enforced by the zoning administrator or by such person as the Township Board or Supervisor may delegate to enforce this Zoning Ordinance.

**Zoning Appeal.** An entreaty or demand for a hearing and/or review of facts and/or actions conducted by the Zoning Board of Appeals in accordance with the duties and responsibilities specified in this Ordinance.

**Zoning Board of Appeals.** As used in this Ordinance, means the Sanilac Township Zoning Board of Appeals.

**Zoning District.** A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.

**Zoning Interpretation.** A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance are therefore required in accordance with the procedures and provisions of this Ordinance.

**Zoning Permit.** A permit for commencing construction issued by the Zoning Administrator in accordance with all the provisions of this Zoning Ordinance and/or an approved site plan.

**Zoning Variance.** The term "Variance" shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, (c) unique circumstances, and (d) exceptional and unusual elements, are present which would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance, would permit compatible development similar to the character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning districts.

- (1) Practical difficulties. A circumstance related to a property or piece of land that makes it difficult or impossible to use the land in accordance with the dimensional requirements of the zoning ordinance. A practical difficulty is not necessarily related to economic difficulties arising from compliance with the ordinance requirements.
- (2) Unnecessary hardship. A unique and extreme inability to use a property in conformance with the use requirements in the zoning district. Generally, it must be shown that the property cannot be reasonably used as one of the uses permitted in the district and that a variance to the allowed uses is the only means of relief.