

2.0 DEFINITIONS

2.1 GENERAL

When not inconsistent with the context, words in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure" or vice versa. Terms not herein defined shall have the meaning customarily assigned to them.

2.2 SPECIFIC TERMS

For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. ABANDONMENT

The cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

2. ABOVE GROUND LEVEL. (AGL).

A measurement of height from the natural grade of a site to the highest point of a structure.

3. ABUTTING

Having property or district line in common e.g., two lots are abutting if they have property lines in common.

4. ACCELERATED SOIL EROSION

The increased removal of the land surface that occurs as a result of human activities.

5. ACCESS

A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway.

6. ACCESSORY BUILDING or ACCESSORY STRUCTURE

Any unattached subordinate building or structure, such as a private garage which is incidental to that of the main building, located on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use. When an ACCESSORY BUILDING or ACCESSORY STRUCTURE is attached to a main building by a wall or roof, the building shall be considered part of a main building for the purpose of determining the required dimensions of a yard. The term ACCESSORY STRUCTURE is specifically intended to include private satellite antenna receivers.

7. ACCESSORY USE

Any use customarily incidental and subordinate to the main use of the premises but does not include residential occupation.

8. ACRE

A measure of land area containing 43,560 square feet.

9. ACTIVITY

See "USE"

10. ADDITION

A structure added to the original structure at some time after the completion of the original.

11. ADJOINING LOT OR LAND

A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

12. ADULT BOOK STORE

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, pictures, video, or films depicting, describing, or relating to "specified sexual activities," or which are characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas." In determining whether certain materials constitute a substantial or significant portion of the total stock in trade of an establishment, the following may be considered, together with all other relevant factors:

a) if the materials in question are located or displayed on the main traffic aisles or in close proximity to the public entrances or exits of the establishment, it shall indicate that the materials are a significant or substantial portion of the stock in trade.

b) if the general stock in trade of the establishment is available for observation and inspection by, and/or sale to, the general public while the material in question is available for inspection and observation by and for sale to only a limited segment of the public, and the materials are less than fifteen (15%) percent of the total stock available in the retail area open to the public, then it shall indicate that the adult material is an insignificant portion of the material in the business.

c) if the material in question or its subject matter or the general subject emphasis of its product line is advertised to the general public by signs, posts or any other means (including, but not limited to, the name of the establishment), which are either visible from the exterior of the establishment or published for public consumption in the press or electronic media or billboards or hand fliers or any other means whatsoever, then it shall be presumed that the material in question constitutes a significant portion of the total stock in trade.

13. ADULT BUSINESS

All uses listed in the definition section of the Adult Entertainment Licensing Ordinance of the Township of Tittabawassee (Ord. No. 1-84).

14. ADULT LIVE ENTERTAINMENT ESTABLISHMENT

An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

15. ADULT THEATER

An indoor or outdoor theater used for presenting by film, tape, or other means, material depicting, describing, or relating to "specified sexual activities" or which is characterized by its emphasis on matter depicting, describing, or relating to "specified anatomical areas" for observation by patrons therein.

16. AGRICULTURE

The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry, as a source of significant income. See Generally Accepted Agricultural Management Practices (GAAMPs) and their corresponding guidelines on file in the Township office and at www.mda.state.mi.us/right2farm/farm.htm.

17. AGRICULTURAL BULK STATION

A commercial facility used for storage and shipping of agricultural products.

18. AGRICULTURAL RETAIL FACILITY

A structure located on a farm from which produce and farm products are sold to the general public. (Amended 4/23/02)

19. AIRPORT

A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

20. AIR RIGHT

The rights to the space above a property, for development

21. AISLE

The traveled way by which cars enter and depart parking places.

22. ALLEY

A public way which affords only secondary access to abutting property, and not a STREET as defined below.

23. ALTERATION OF BUILDING

A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.

24. AMENITY

A natural or artificial feature which enhances or makes more attractive or satisfying a particular property.

25. ANIMAL (LARGE)

A large animal shall mean a horse, cow, sheep, goat, pig, ostrich, or similar size fowl, or other similar creatures which are also associated with traditional farming or animal husbandry purposes.

26. ANIMAL (SMALL)

A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other nonhuman creature that can be kept in a relatively small or confined space and normally treated as a pet.

27. ANIMAL HOSPITAL see KENNEL

28. ANTENNA.

The surface from which wireless radio signals are sent and received by a personal wireless facility.

29. APARTMENT HOUSE

A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

30. APIARY

A place in which bees are kept for production of honey.

31. APPEALS

The process, as prescribed in this Ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

32. APPLICANT

A person or entity submitting an application for review and action by the Township or any of its departments or commissions.

33. APPROVED PLAN

A plan which has been granted final approval by the appropriate approving authority.

34. APPROVING AUTHORITY

The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of plans and applications.

35. AREA see LOT AREA

36. AREA OF SIGN

See Article 14.3

37. ASSEMBLY ACTIVITY

The assembly of finished goods such as autos, trailers, vans, furniture, etc. excluding raw material, manufacturing, stamping, or processing.

38. ASSEMBLY STRUCTURE

A building used for the primary purpose of group gatherings of fifty (50) people or more for any purpose.

39. ATTACHED

Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

40. ATTACHED GARAGE

An outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

41. ATTIC

That part of a building which is immediately above the ceiling beams of the top story and wholly or partly within the roof framing.

42. AUTOMATIC CAR WASH

A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

43. AUTOMOBILE

A self-propelled, free moving vehicle, with three or more wheels, primarily for conveyance on a street or roadway.

44. AUTOMOBILE OR VEHICLE REPAIR

General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change.

45. AUTOMOBILE OR VEHICLE SALES AREA

An area used for the display, sales and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or mobile homes all in operable condition.

46. AUTOMOBILE SALVAGE

The dismantling or disassembling of used motor vehicles or trailers; the storage, sale, or dumping of dismantled or partially dismantled, or wrecked vehicles or their parts.

47. AUTOMOBILE SERVICE STATION OR FILLING STATION

A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.

48. AUTOMOBILE STORAGE, DAMAGED

Any storage of inoperable vehicles not incidental to a service garage.

49. AUTOMOBILE WASHING ESTABLISHMENT

A building or portion thereof, where motor vehicles are washed as a commercial enterprise, or where facilities are available for the self-service cleaning of motor vehicles.

50. BANK

A financial institution.

51. BAR (see TAVERN)

52. BASEMENT

See Tittabawassee Township adopted building code.

53. BED AND BREAKFAST OPERATIONS

A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and which does not provide separate cooking facilities for such guests.

54. BERM, OBSCURING

An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.

55. BILLBOARD OR SIGNBOARD

Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issued by a court or public body.

56. BLOCK

A property surrounded by streets or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

57. BOARD OF APPEALS

The Zoning Board of Appeals of the Township of Tittabawassee

58. BODY SHOP – SEE AUTOMOBILE REPAIR

59. BOTTOM LAND

The land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water. Reference P.A. 346 of 1972.

60. BREEZEWAY

Any covered passageway between two buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

61. BUFFER

Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

62. BUILDABLE AREA

The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

63. BUILDING

A structure erected on-site, a mobile home or mobile structure, a premanufactured or pre-cut structure, which is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind.

64. BUILDING CONTRACTOR SHOP

A facility where building and construction contractors store construction equipment and/or building materials.

65. BUILDING COVERAGE

The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

66. BUILDING HEIGHT see **HEIGHT OF BUILDING**

67. BUILDING LINE

A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

68. BUILDING OFFICIAL

Township Staff appointed by the Township Manager and licensed pursuant to the State of Michigan's regulation to enforce and administer the Township's adopted building code.

69. BUILDING PERMIT

A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk, density and with the requirements of all other development codes and ordinances currently in effect in the Township of Tittabawassee.

70. BUILDING USE, TEMPORARY

A use in a temporary building or structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

71. BUSINESS CENTER

A business center is more than one (1) business on the same parcel.

72. BUSINESS OR COMMERCE

Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

73. BUSINESS SERVICES

Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

74. CALIPER

The diameter of a tree trunk measured two feet above grade.

75. CAMOUFLAGED

A building or use that is disguised or hidden.

76. CANOPY

A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

77. CARRIER

A company that provides wireless service.

78. CARRY-OUT RESTAURANT (see DRIVE-IN RESTAURANT/FAST FOOD)

79. CELLULAR TOWER (see WIRELESS COMMUNICATION FACILITY)

80. CENTRAL BUSINESS DISTRICT OR "CBD"

The identifiable main shopping area within a community usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, residences, and transportation facilities.

81. CEMETERY

Any publicly or privately owned place for the interment of human remains.

82. CERTIFICATE OF OCCUPANCY

A document issued by the proper authority (Building Official and Zoning Administrator) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

83. CERTIFICATION OF COMPLETION

A signed written statement by the Building Official that specific construction has been inspected and found to comply with all grading and building plans and specifications.

84. CHANGE OF USE

Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

85. CHILD CARE ORGANIZATION

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

a) "child care center" or "day care center" means a facility, other than a private residence, receiving more than six preschool or school age children for group 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 which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

b) "foster family home" is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

c) "foster family group home" means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

d) "family day care home" means a private home in which one but less than seven 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

e) "group day care home" means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

86. CHURCHES/SYNAGOGUES/MOSQUES (see INSTITUTIONS, RELIGIOUS)

87. CIRCULATION PATTERN

Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or shipment points.

88. CLEAR VISION

An area thirty (30) feet along each street at its intersection with another street, drive or alley where no visual obstruction of sight may exist.

89. CLINIC, DENTAL OR MEDICAL

A building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying out their profession. The clinic may include a medical or dental laboratory.

90. CLUB/LODGE

A nonprofit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors.

91. CLUSTER

A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

92. COIN/TOKEN-OPERATED AMUSEMENT CENTER

Establishments engaged in providing amusement or entertainment through the provision of coin/token-operated amusement devices, incorporating either electromechanical devices such as pinball machines or electronic video display operations.

93. COLLOCATION

The use of a single mount on the ground by more than one carrier (vertical collocation) and/or several mounts on an existing building or structure by more than one carrier.

94. COMMERCIAL

A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than fourteen (14) days during any twelve (12) month period.

95. COMMERCIAL RECREATION

Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.

1. COMMERCIAL SCHOOL

A school or facility offering training to perform any of the uses in the district in which a Commercial School is permitted either by right or by special use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

97. COMMISSION

The Planning Commission of the Township of Tittabawassee.

98. COMMUNITY CENTER

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

99. CONDOMINIUM

The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure located as a permitted use within a zoning classification and requirements of this Ordinance.

100. CONTIGUOUS

Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

101. CONVALESCENT OR NURSING HOME (SEE INSTITUTIONS FOR HUMAN CARE)

102. CORNER LOT

Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides is less than one hundred and thirty-five (135°) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees. See also **LOT**, defined below.

103. COVERAGE see LOT COVERAGE

104. CROSS-POLARIZED

A low mount dual polarized antenna that has three panels flush mounted or attached very close to the shaft.

105. DAMAGED AUTOMOBILE STORAGE

Any storage of inoperable vehicles not incidental to a vehicle repair shop or service garage.

106. DECK

A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

107. DENSITY

The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

108. DENSITY, HIGH RESIDENTIAL

Twelve (12) or more dwelling units per acre.

109. DENSITY, LOW RESIDENTIAL

Less than three (3) dwelling units per acre.

110. DENSITY, MEDIUM RESIDENTIAL

Three to eleven (3-11) dwelling units per acre.

111. DEVELOPMENT

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

112. DISH SATELLITE SIGNAL-RECEIVING ANTENNAS

Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- a) a signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extra-terrestrial sources.
- b) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c) a coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

113. DISTRICT

A portion of Tittabawassee in which certain building and activities are permitted and in which certain regulations, in accordance with the Ordinance, are applicable.

114. DRIVE-IN

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carry-out.

115. DRIVE-IN BANK

A bank which by design, physical facilities or service encourages customers to receive services while remaining in their motor vehicles.

116. DRIVE-IN RESTAURANT/FAST FOOD

A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the

restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- (a) Food, frozen deserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- (b) More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

117. DUMPSTER A container capable of holding a volume of material greater than one (1) cubic yard and used for the purpose of collecting garbage, solid or liquid waste, or refuse of any type.

118. DWELLINGS

Any building or portion thereof usable exclusively for residential purposes. A dwelling is classified as one of the following

- (1) SINGLE-FAMILY DWELLING A building containing not more than one dwelling unit designed for residential use.
- (2) TWO-FAMILY DWELLING (Duplex). A building containing no more than two separate dwelling units designed for residential use
- (3) "MULTIPLE-FAMILY DWELLING. A building containing three or more dwelling units designed for residential use
- (4) GROUP DWELLINGS (Congregate Living). A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

119. DWELLING UNIT

A building or portion thereof providing complete housekeeping facilities for one family.

120. EASEMENT

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property.

121. EAVE

The projecting lower edges of a roof overhanging the wall of a building.

122. EDUCATIONAL INSTITUTION. (see INSTITUTION – EDUCATIONAL)

123. EGRESS (EXIT)

An exit from a building or site.

124. ELDERLY HOUSING (SEE SENIOR HOUSING)

125. ELEVATION

The measurement of height above sea level.

126. EMISSION

A discharge into the air.

126.5. ENGINEERED HOME. See **MANUFACTURED HOME.** (Amended 4/23/02)

127. ENVIRONMENTAL ASSESSMENT

An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in a certain designated area.

128. ENVIRONMENTALLY SENSITIVE AREA

An area with one or more of the following characteristics.

- (a) slopes in excess of twenty (20%) percent
- (b) floodplain
- (c) soils classified as having a high water table
- (d) soils classified as highly erodible, subject to erosion, or highly acidic
- (e) land incapable of meeting percolation requirements
- (f) land formerly used for landfill operations or hazardous industrial uses
- (g) fault areas
- (h) stream corridors
- (i) estuaries
- (j) mature stands of native vegetation
- (k) aquifer recharge and discharge areas

129. EQUIPMENT RENTAL/SALES

A business that provides construction, household and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.

130. EQUIPMENT SHELTER

An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

131. ERECTED

As used in this Ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving and filling of earth.

132. EROSION

The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

133. ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas; electrical, steam, or water transmission, distribution or collection systems; communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare, but not including buildings other than the buildings as are primarily enclosures or shelters of the mentioned equipment. Private wireless communication facilities are not considered Essential Services.

134. ESTABLISHMENT

An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

135. EXCAVATION

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

136. FABRICATION

Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials such as metal, ores or rubber.

137. FALL ZONE

The area on the ground within a prescribed radius from the base of a personal wireless facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

138. FAMILY

A person living alone, or two or more persons related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house.

139. FARM

The land, plants, animals, buildings, structures, including ponds used for agricultural activities, machinery, equipment and other appurtenances used in the commercial production of farm products. A FARM is a parcel for these purposes that is greater than 10 acres in size. (Amended 7/9/02)

140. FARM BUILDINGS

Any detached accessory building or portion of a main building used for the storage or housing of farm implements, produce, or animals.

141. FARM STAND

A booth or stall located on a farm, from which produce and farm products are sold to the general public.

142. FAST FOOD RESTAURANT -(see **DRIVE-IN RESTAURANT/FAST FOOD**)

143. FENCE

A permanent or temporary partition or structure erected as a divider, barrier, or enclosure between two or more properties.

144. FILLING

The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

145. FILLING STATION see **AUTOMOBILE SERVICE STATION**

146. FINAL APPROVAL

The last official action of the Planning Commission or Zoning Board of Appeals taken on a site plan which has been given preliminary approval or after all conditions and requirements have been met or the required improvements having been installed or guarantees properly posted for their installation or approval conditioned upon the posting thereof. In the case of a rezoning request or an amendment to the Zoning Ordinance, the Tittabawassee Township Board has the final approval.

147. FIRE STATION

Public building devoted to the storage and housing of fire equipment and personnel.

148. FIREWORKS

Fireworks means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks includes Class B fireworks and Class C fireworks.

(a) **CLASS B FIREWORKS.** These are toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or

bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two (2) ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than seventy-two (72) grains of flash powder each and other similar devices.

(b) CLASS C FIREWORKS. These are toy smoke devices, toy caps containing not more than twenty-five (.25) grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, Very signal cartridges, sparklers, explosive auto alarms, and other similar devices.

Should the definitions of these items change per the Michigan Penal Code, 1931 PA 328, as amended, the Tittabawassee Zoning Ordinance definitions will change with the state law and must be interpreted as those contained in the state law.

149. FLAG LOT

A lot not fronting entirely on or abutting a public road and where access to the road is a narrow, private right-of-way. See graphic.

150. FLEA MARKET see OUTDOOR TEMPORARY USE.

151. FLOODPLAIN

The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater. Determination of a floodplain is made by the Federal Emergency Management Agency for those areas to be covered by flood insurance and consists of:

) contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.

b) principal estuary courses of wetland areas that are part of the river flow system.

c) contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

152. FLOOR AREA, USEABLE

That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways,

stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.

153. FLOOR AREA

The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.

154. FRATERNAL ORGANIZATION

A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals and formal written membership requirements.

155. FUNCTIONAL EQUIVALENT SERVICES

Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

156. FUNERAL HOME

A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

157. GARAGES

Includes the following:

- a) PRIVATE GARAGE. A detached accessory building or portion of a main building used for the storage of four or less passenger vehicles including not more than one truck of a rated capacity of one and one-half (1-1/2) ton or less, without provision for repair or servicing such vehicles for profit.
- b) SERVICE GARAGE. Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

158. GARBAGE

Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

159. GASOLINE SERVICE STATION see AUTOMOBILE SERVICE STATION

160. GLARE

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

161. GOLF COURSE

A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

A. Pitch and Putt Course: A facility providing a private or public golf recreation area designed for executive play rules along with accessory golf support facilities but excluding miniature golf.

B. 9 Hole course: A facility of 9 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.

C. 18 hole course: A facility of 18 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.

(Amended 4/11/06)

162. GRADE

For purposes of this Ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

163. GRADING

Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

164. GRADING PERMIT

The written authority issued by Saginaw County permitting the grading, excavation or filling of land including drainage and soil erosion control in conformity with the Erosion Control section of this Ordinance and Public Act 347 of 1972.

165. GREEN AREA

Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

166. GREENBELT (SEE BUFFER)

167. GREENHOUSE

A temporary or permanent building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

168. GROUND COVER

Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other overgrown, unkempt vegetation.

169. GROUNDWATER

The supply of freshwater under the surface in an aquifer or soil, that forms the natural reservoir for potable water.

170. GROUNDWATER RUNOFF

Groundwater that is discharged into a stream channel as spring or seepage water.

171. GUEST HOUSE

Separate structure or dwelling, on a residential parcel, used for sleeping and/or eating purposes of elderly, nonpaying family members.

172. GUYED TOWER

A monopole or lattice tower that is tied to the ground or other surface by cables.

173. HAZARDOUS MATERIALS

Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

174. HEALTH CARE (SERVICES) FACILITIES (see INSTITUTIONS, HUMAN CARE)

175. HEIGHT OF BUILDING

The vertical distance, measured from the adjoining curb level, to the highest point of the ceiling of the top story in the case 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. However, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

176. HIGHWAY

A public thoroughfare or street, excluding alleys, but including federal, state and county roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

177. HOME OCCUPATIONS

Any business carried on by one or more members of a family residing on the premises, providing it:

- (a) is operated in its entirety within the principal dwelling;
- (b) does not have a separate entrance from outside the building;
- (c) does not involve alteration or construction not customarily found in dwellings;
- (d) does not use any mechanical equipment except that which is used normally for purely domestic or household purposes or for agricultural purposes if the home occupation is located in the AG zoning district;
- (e) does not use more than twenty-five (25%) percent of the total actual floor area of the

dwelling, with a maximum total area for the home occupation of five hundred (500) square feet;

(f) does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, nonilluminated, wall sign having an area of not more than two (2) square feet.

(g) does not employ any persons other than family members residing on the premises.

178. HORTICULTURE

The cultivation of a garden or orchard. Horticulture specifically excludes operation of a landscaping business.

179. HOSPICE

A facility for the care of the terminally ill.

180. HOSPITAL see INSTITUTIONS FOR HUMAN CARE.

181. HOTEL (see MOTEL)

182. IMPERVIOUS SURFACE

Any material that reduces and prevents the absorption of storm water into previously undeveloped land.

183. INFRASTRUCTURE

Facilities and services needed to sustain industry, residential and commercial activities.

184. INGRESS

Access or entry.

185. INSTITUTION, EDUCATIONAL

A school for kindergarten through twelfth grade or any colleges or universities authorized by the state to award degrees.

186. INSTITUTION, HUMAN CARE

A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include homes for the mentally disadvantaged, physical impaired or substance abuse rehabilitation facilities and the like. (To be reviewed 6/03)

187. INSTITUTION, RELIGIOUS

A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

188. INSTITUTION, SOCIAL

Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, parks and playground.

189. INTERSECTION

The point where two or more roads cross at grade.

190. JUNK MOTOR VEHICLE

An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or Township laws or ordinances.

191. JUNK/SALVAGE YARD

A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. A junk or salvage yard shall not include uses conducted entirely within a completely-enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment; and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

192. KENNEL or ANIMAL HOSPITAL

Any building or land used for the sale, boarding, treatment, or breeding of more than two (2) dogs or three (3) or other household pets as a business.

193. LABORATORY

a) medical or dental - a laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.

b) experimental - a building or part of a building devoted to the testing and analysis of any product or animal.

194. LAND

Ground, soil, or earth, including structures on, above, or below the surface.

195. LANDSCAPE CONTRACTOR

Landscaping includes businesses principally engaged in lawn mowing and yard maintenance. It also includes decorative and functional alteration, planting and maintenance of such grounds. Such a business may engage in the installations and construction of underground improvements but only to the extent that such improvements (e.g. drainage/irrigation facilities) are accessible and on the same parcel as the principal use. Landscape contractor also

includes businesses that apply fertilizers, pesticides and other treatments for plants, trees and grass. This definition also includes tree services and commercial plant maintenance services.

196. LAND USE

A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

197. LAND USE PLAN

A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

198. LATTICE TOWER

A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

199. LAUNDROMAT

An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

200. LEAST DEPTH OR WIDTH OF A YARD

The shortest horizontal distance from each of the lot lines to the building thereon.

201. LEGISLATIVE BODY

The Township Board of the Township of Tittabawassee.

202. LIBRARIES

Institutions for the storage and circulation of books, compact discs, video tapes and other materials for use by the general public.

203. LICENSED CARRIER

A company authorized by the FCC to construct and operate a commercial mobile radio services system.

204. LOADING/UNLOADING SPACE

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

205. LOT

A parcel or portion of land, exclusive of any adjoining street, separated from other parcels or portions by description, as on a subdivision of record or survey map.

206. LOT AREA

The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

207. LOT, CORNER (see CORNER LOT)**208. LOT COVERAGE**

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

209. LOT DEPTH

The mean horizontal distance from the front street line to the rear lot line.

210. LOT, INTERIOR

Any lot other than a corner lot.

211. LOT LINES

Any line bounding a lot, including the following:

- a) FRONT LOT LINE. The line separating the lot from the street; in the case of a corner lot, the line separating the narrowest side of the lot from the street.
- b) REAR LOT LINE. The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.
- c) SIDE LOT LINE. Any line other than front or rear lot lines.
- d) STREET LOT LINE or ALLEY LOT LINE. Any line separating a lot from a street or alley.

212. LOT, THROUGH

Is any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

213. LOT OF RECORD

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

214. LOT WIDTH

The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such side lot lines.

215. LOT, ZONING

A single tract of land which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

216. LOUNGE (see TAVERN)

217. LUMBER YARD

A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

218. MANUFACTURED HOME

A dwelling unit, designed and built in a factory. (Amended 4/23/02)

219. MANUFACTURING FACILITY

Establishment engaged in the mechanical, chemical, or electrical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

220. MARQUEE

Any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.

221. MASTER PLAN

A comprehensive long range Plan intended to guide the growth and development of a community. The Plan includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

222. MINISTORAGE/SELF STORAGE

A structure containing separate storage areas of varying sizes leased or rented on an individual basis.

223. MIXED USE ZONING

Regulations which permit a combination of different uses within a single development, under special regulations.

224. MOBILE HOME

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

225. MOBILE HOME PARK/MANUFACTURED HOME PARK

A parcel of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose, regardless 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 mobile home.

226. MOBILE HOME SITE/MANUFACTURED HOME SITE

A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

227. MOBILE HOME SUBDIVISION

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

228. MONOPOLE. The type of mount that is self-supporting with a single shaft of wood, steel, or concrete and a platform (or racks) for panel antennas arrayed at the top.

229. MORTUARY

A place for the storage of dead human bodies prior to burial or cremation.

230. MOTEL

A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term "motel" shall include buildings designed as auto courts, tourist courts, motor hotels, hotels and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, "motel" and "hotel" have the same meaning.

231. MOTOR VEHICLE see VEHICLE, MOTOR

232. MOTOR VEHICLE PARKING SPACE

Any accessible area of not less than nine feet by eighteen (18') feet exclusive of excess drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

233. MOUNT

The structure of surface upon which antennas are mounted, including the following four types of mounts:

- a) Roof-mounted. Mounted on the roof of a building.
- b) Side-mounted. Mounted on the side of a building.
- c) Ground-mounted. Mounted on the ground.
- d) Structure-mounted. Mounted on the structure other than a building.

234. MUNICIPAL BUILDING

A structure housing an operation of the Township of Tittabawassee.

235. MUNICIPALITY

The Township of Tittabawassee.

236. NATURAL RETENTION AREA

A naturally-occurring pond or wetland which retains storm water runoff.

237. NONCONFORMING BUILDING, LEGAL

Any building or portion thereof lawfully existing at the time this Ordinance became effective and which does not comply with this Ordinance's regulations.

238. NONCONFORMING LOT, LEGAL

A lot, the area, dimensions or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the zoning district.

239. NONCONFORMING SIGN, LEGAL

Any sign lawfully existing of the effective date of an Ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

240. NONCONFORMING USE, LEGAL

Any property use which was lawful at the time this chapter became effective and which now does not comply with its regulations. A legal nonconforming use is a use that is in compliance with the requirements of this Ordinance as identified in Section 5.3. An illegal nonconforming use is a nonconforming use that does not meet the requirements of Section 5.3.

241. NORTH POINT or NORTH ARROW

The designation of a map illustrating the direction of north.

242. NOXIOUS

Offensive or disturbing.

243. NUISANCE

An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident of that property.

244. NURSERY, PLANT MATERIALS

Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

245. OCCUPANCY PERMIT

A required permit allowing occupancy of a building or structure after it has been determined that the building meets all of the requirements of applicable Ordinances.

246. OCCUPANCY PERMIT, TEMPORARY

A certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

247. OFFICE

A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

248. OFFICE BUILDING

A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, they may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

249 OFF-STREET PARKING

Any parking area located on the same property it is intended to serve, or in a joint use lot and within a district which is not of greater restriction than the property it is intended to serve.

250. OMNIDIRECTIONAL (WHIP) ANTENNA

A thin rod that beams and receives signals in all directions.

251. OPEN-AIR BUSINESS USE

Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- a) Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- b) Outdoor display and sale of garages, swimming pools, and similar uses.

c) Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.

d) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

252. OPEN SPACE

Is that part of a zoning lot, including courts or yards which:

a) Is open and unobstructed from its lowest level to the sky, and

b) Is accessible to all residents upon the zoning lot, and

c) Is not part of the roof of that portion of a building containing dwelling units, and

d) Is comprised of lawn and landscaped area.

e) Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

253. OUTDOOR AMUSEMENT FACILITY

A commercial business that provides amusement facilities, such as miniature golf, carnival rides, petting zoo, and other similar attractions and open to the general public.

254. OUTDOOR USE

A use, the majority of which is carried outside of a structure of any kind. These may include outdoor displays of merchandise, outdoor eating areas, outdoor storage and outdoor recreation under certain circumstances.

255. OUTDOOR USE, TEMPORARY

A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity or use for which the temporary structure was erected, has ceased.

256. PANEL ANTENNA

A flat surface antenna usually developed in multiples.

257. PARK, RECREATIONAL

An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

258. PARKING AISLE

The area behind the parking space used for backing and turning into and out of the parking space.

259. PARKING AREA

An area used for the parking, parking aisle, access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

260. PARKING AREA, TOTAL

The parking lot and all connecting access drives and landscaping.

261. PARKING ACCESS

The area of a parking lot that allows motor vehicles ingress and egress from the street to the parking aisle or parking space of not longer than one hundred (100) feet).

262. PARKING BAY

A parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.

263. PARKING LOT

An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

264. PARKING SPACE see MOTOR VEHICLE PARKING SPACE

265. PASSIVE RECREATION AREA

An open area designed for walking or sitting and enjoying nature or surroundings.

266. PATIO, PORCH

Roofed open area that, while may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.

266.5. PAVED. A ground surface covered with cobblestones, clay fired bricks, concrete precast paver units, including grasscrete, poured concrete with or without decorative surface materials, blacktop or other asphalt or rubber mixture which may include sand or gravel as an ingredient and which created a hard surface. A graded natural surface or one covered with rolled stone or loose gravel is not considered a paved surface. *(amended 9/06)*

267. PERFORMANCE STANDARDS

A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) which a particular use or process may not exceed.

268. PERMANENTLY AFFIXED

To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.

269. PERMITTED USE

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

269.5 PERSON *(Amended 7/9/02)*

Any individual, partnership, organization, association, trust or corporation. When used as a penalty provision, 'person' shall include the members of such partnership, the trustees of such trust, and the officers and members of such organization, association or corporation.

270. PERSONAL SERVICES FACILITIES

Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

271. PERSONAL WIRELESS SERVICE FACILITY

A facility for the provision of personal wireless services, as defined by the Telecommunications Act.

272. PERSONAL WIRELESS SERVICE

The three types of services regulated by this Ordinance as specified in the Special Use Permit regulations. These services are cellular, radio and satellite.

273. PETROLEUM BULK PLANT

An establishment for the purpose of storage of petroleum products, in bulk or in packages, distribution by tank car, tank vehicle, or motor truck.

274. PHARMACY

A place where drugs and medicines are prepared and dispensed.

275. PLAN, FINAL

A site plan that has been approved by the Planning Commission.

276. PLAN, PRELIMINARY

A site plan that is under review by the Planning Commission or proper review authority and indicates the proposed layout of the subdivision, PUD, or other development.

277. PLAN, TENTATIVE PRELIMINARY

A conceptual site plan or sketch showing ideas for development and site use.

278. PLANNED UNIT DEVELOPMENT OR "PUD"

An area of minimum contiguous size, as specified by Ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

279. PLANNING COMMISSION

The duly designated advisory plan commission of the municipality.

280. POOL, COMMERCIAL SWIMMING

An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

281. POOL, PRIVATE SWIMMING

Any artificially-constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

282. POTABLE WATER

Water suitable for drinking or cooking purposes.

283. PRINCIPAL BUILDING

A building in which is conducted the principal use allowed of the lot in the district in which it is situated.

284. PRINCIPAL USE

The primary and predominate use of the premises including customary accessory uses.

285. PRIVATE RECREATION

Recreational, playgrounds and parks activities which are not open to the general public and for which a fee may or may not be charged.

286. PROFESSIONAL SERVICES

Services offered to the general public such as law, medicine, engineering, accounting, and architecture.

287. PROCESSING

Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

288. PUBLIC FACILITIES

Facilities which are owned and operated by a municipality, government agency, or publicly owned utility.

289. PUBLIC HEARING

A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

290. PUBLIC UTILITY (PUBLIC SERVICE UTILITY)

Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer or storm sewer.

291. PUBLIC WAY

A highway, street, avenue, boulevard, road, lane, alley or other areas specifically designated and continuously maintained for public access.

292. QUASI PUBLIC AGENCY

A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

293. QUORUM

A simple majority of the full membership of a board or agency.

294. RADIO ANTENNA

A signal receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

295. RADIO FREQUENCY (RF) ENGINEER

An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

296. RADIO FREQUENCY RADIATION (RFR).

The emissions from personal wireless service facilities.

297. RADIO TOWER

A signal sending device, the purpose of which is to distribute radio signals from a radio transmitter or transmitters in the area.

298. RECREATIONAL EQUIPMENT

Includes utility trailers, travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats and boat trailers, personal watercraft, snowmobiles, off road vehicles of any kind, and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not. *(Amended 9/06)*

299. RECREATIONAL VEHICLE

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

300. RECYCLING

The process by which waste products are reduced to raw materials and transformed into new and often different products.

301. RECYCLING CENTER

A building where fully enclosed activities are carried out specializing in transforming waste products back into raw materials and converting them into new and often different products.

302. RELIGIOUS INSTITUTION (see INSTITUTIONS, RELIGIOUS)

303. RESEARCH AND DEVELOPMENT FACILITY

Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

304. RESIDENCE

A home, abode, or place where an individual is residing at a specific point in time.

305. RESIDENTIAL, RESIDENTIAL USE, or RESIDENTIAL DISTRICT

The use of land parcels for human habitation under the terms of this chapter. RESIDENTIAL shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

306. RESOURCE RECOVERY FACILITY

A fully enclosed building where waste is sorted and classified by type and material, such as ferrous metal, nonferrous metal, aluminum, paper, newsprint, boxed board, plastic and glass colors. The purpose being to reuse the recovered materials.

307. RESTRICTION

A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

308. RESTRICTIVE COVENANT

A restriction on the use of land usually set forth in a deed or other appropriate document.

309. RETAIL TRADE

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

310. RESTAURANT

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of goods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

311. RIDING ACADEMY (see STABLE)**312. RIGHT-OF-WAY**

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

313. RIGHT-OF-WAY LINE

The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities.

314. RINGLEMANN CHART

A device to measure the opacity of smoke emitted from stacks and other sources.

315. ROAD FRONTAGE

The length of the lot line which borders a public or private road.

316. ROOM

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

317. RUNOFF

The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

318. SALVAGE YARD

A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. SALVAGE YARD shall not include uses conducted entirely within a completely-enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; and the processing of used, discarded or salvaged materials as part of manufacturing operations.

319. SANITARY LANDFILL

Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

320. SCALE

The relationship between distances on a map and actual ground distances.

321. SCHOOL (see INSTITUTIONS, EDUCATION)

322. SCREENING

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

323. SEASONAL BUSINESS

A retail business or service business that is not normally used as a business for more than six (6) months during any one calendar year.

324. SEASONAL RESIDENCE

A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.

325. SECURITY BARRIER

A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

326. SENIOR HOUSING

A residential complex containing multiple family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care where patients are confined to bed.

327. SEPARATION

The distance between one carrier's array of antennas and another carrier's array.

328. SETBACK

The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

329. SIGNS

A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign-related terms are defined:

(a) AREA, OR SURFACE AREA, OF SIGN. (See Section 14.3)

(b) CONSTRUCTION SIGN. See TEMPORARY LAND DEVELOPMENT SIGN.

(c) ELECTRIC SIGN. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

(d) ELECTRONIC MESSAGE BOARD. A variable message sign that utilizes computer generated messages or other electronic means of changing copy. These signs include display using incandescent bulbs, LEDs, LCDs or a flipper matrix. *(Amended 9/6/06)*

(e) FREESTANDING. A sign supported by one or more uprights, braces, pylons, or foundation elements located in or upon the ground and not attached to a building. *(Amended 12/9/03)*

(f) ILLUMINATED SIGN. A sign that provides artificial light directly or through any transparent or translucent material.

(g) INTEGRAL SIGN. Signs that are made a part of the building walls or roof structure. These may include the name of a farm, date of erection, monumental citations, commemorative tablets, addresses and the like. *(Amended 9/6/06)*

(h) JOINT SIGN. A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.

(i) LOCATION. A lot, premise, building, wall or any place whatsoever upon which a sign is located.

(j) MARQUEE. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.

(l) MONUMENT or GROUND MOUNTED. A freestanding sign where the base of the sign structure is on the ground or integrated into landscaping or other solid structural features other than support poles.

(m) NONDWELLING USE SIGN. A sign located on a parcel that does not have a dwelling as its principle structure and is located in the AG, R-1A, R-1, or R-2 district. Examples of the uses that may be associated with nondwellings in these districts include but are not limited to subdivisions, schools, religious institutions, public buildings, cemeteries and agricultural retail facilities.

(n) POLITICAL CAMPAIGN SIGNS. Signs announcing candidates for public political office and other data pertinent to an upcoming election.

(o) PORTABLE/TEMPORARY SIGN. A display, informational sign, banner, pennants, pinwheels, ribbons, streamers, strings of light bulbs or similar devices intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another. *(Amended 5/13/03)*

(p) ROOF LINE. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

(q) ROOF SIGN. Any sign erected, constructed and maintained wholly upon or over the roof of any building. *(Amended 9/6/06)*

(r) SETBACK. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.

(t)

(s) SIZE OF SIGN. The size of a sign is computed according to the provisions of Article 14.3.

STREET BANNERS. Fabric signs, suspended across public streets advertising a

public entertainment or event. The location and contents of each street banner must be specially approved by the Saginaw County Road Commission or Michigan Department of Transportation.

(u) SUBDIVISION SIGN. A sign intended as identification for a residential subdivision. (Amended 5/13/03)

(v) TEMPORARY. See PORTABLE. (Amended 5/13/03)

(w) TEMPORARY LAND DEVELOPMENT. A sign placed on a parcel or subdivision that is intended to be removed within 30 days of the completion of the project or when 60% of all lots are sold. (Amended 9/6/06)

(x) WALL SIGN, FLAT. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18") inches at all points.

(y) WINDOW SIGN. A sign placed on or in a window of a structure. (Amended 9/06)

330. SINGLE OWNERSHIP

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

331. SITE

Any plot or parcel of land or combination of contiguous lots or parcels of land.

332. SITE CONDOMINIUM

A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended). The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act.

a) "Condominium Act" means Act 59 of 1978, as amended.

b) "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.

c) "Condominiums subdivision plan" means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium

unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

d) "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

e) "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

f) "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

g) "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

h) "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

i) "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

j) "Front yard setback" means the distance between the front yard area line and the condominium dwelling.

k) "Lot" shall mean the same as "Home site" and "Condominium Unit."

l) "Master deed" means the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

m) "Rear yard setback" means the distance between the rear yard area line and the condominium dwelling.

n) "Side yard setback" means the distance between the side yard area line and the condominium dwelling.

333. SITE PLAN

The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot.

334. SITE PLAN REVIEW AND APPROVAL

The submission of plans for review and approval, as required by this Ordinance, and special use permits.

335. SKETCH PLAN

A rough map of the proposed subdivision or site plan, of sufficient accuracy to be used for the purpose of discussion and classification.

336. SLOPE

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

337. SOIL

All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

338. SOIL PERCOLATION TEST

A test designed to determine the ability of ground to absorb water, and used in determining the suitability of a soil for drainage or for the use of a septic system.

339. SPECIAL LAND USE

A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

340. SPECIFIED ANATOMICAL AREA

(1) Less than completely opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola. (2) Human genitals in a discernable turgid state, even if completely and opaquely covered.

341. SPECIFIED SEXUAL ACTIVITY

(1) Human genitals in a state of stimulation or arousal. (2) Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual) or sodomy. (3) Fondling or erotic touching of human genitals, pubic region, buttock or female breast. (4) Bestiality. (5) Fellatio or cunnilingus. (6) Human excretory function.

342. SPOT ZONING

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Tittabawassee Township Comprehensive Plan.

343. STABLE

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

344. STABLE, PRIVATE

Any building for shelter of horses or other animals not kept for remuneration, hire or sale.

345. STADIUM

A large open or enclosed place used for games and major events, partly or completely surrounded by tiers of seats for spectators.

346. STALL, PARKING

The parking space in which vehicles park.

347. STATE LICENSED RESIDENTIAL FACILITY

A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home 7 to 20.

348. STORAGE, INDOOR – SEE WAREHOUSE.

349. STORAGE, OUTDOOR – SEE OUTDOOR USES.

350. STORM SEWER

A conduit that collects and transports runoff of storm water.

351. STORM WATER DETENTION

Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

352. STORY

That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

353. STORY, HALF

Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

354. STREAM

A water course having a source and a terminus, banks, and channel through which waters flow at least periodically.

355. STREET

A public right-of-way which has been dedicated to the public and accepted for the purpose of providing access to abutting private lots or land, including space for curb, gutter, paving, and sidewalks.

356. STREET, COLLECTOR

A street which collects traffic from local streets and connects with minor and major arterials.

357. STREET, CUL-DE-SAC

A street with a single, common ingress and egress, and with a turnaround at the end.

358. STREET, LOCAL

A street designed to provide vehicular access to abutting property and to discourage through traffic.

359. STREET, MAJOR ARTERIAL

A street or highway so designated on the major road plan of the Township Comprehensive Plan which is designed and intended to carry heavy traffic volumes.

360. STREET, MINOR ARTERIAL

A dedicated public way or recorded private street which affords access to abutting properties and is designed primarily to serve immediate neighborhood needs.

361. STREET, PRIVATE

A street that is not public as defined by this ordinance.

362. STREET, PUBLIC

Any public right-of-way, conforming to the Saginaw County Road Commission standards, which provides vehicular access to adjacent properties.

363. STRIPPING

Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

364. STRUCTURE (see BUILDING)

365. STRUCTURE CHANGES OR ALTERATIONS

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

366. STUDIO

A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

367. SUBDIVIDER

Any person who undertakes the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

368. SUBDIVISION

The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; provided however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

368.5 SUBSTANCE ABUSE REHABILITATIONS CENTER

A public or private facility designed to provide medical treatment and psychological therapy to those individuals who suffer from drug or alcoholic addiction. (To be reviewed 6/03)

369. SUPPLY YARD

A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

370. SURFACE HYDROLOGY

The properties, distribution, and circulation of subsurface water for a defined area.

371. SWALE

A depression in the ground which channels runoff.

371.5. SYSTEM BUILT HOME. See MANUFACTURED HOME. (Amended 4/23/02)

372. TAVERN, LOUNGE, OR BAR

A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

373. TAX IMPACT STUDY

A study which examines the impact of a particular project on the community in terms of needed additional services and tax benefits and costs.

374. TELEVISION ANTENNA

A signal receiving device, the purpose of which is to receive television signals from television transmitters in the area.

375. TELEVISION TOWER

A signal sending device, the purpose of which is to distribute television signals from a television transmitter or transmitters in the area.

376. TENANT

An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

377. THEATER

A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

378. THOROUGHFARE SYSTEM

The collection of streets, traffic control devices, and intersections which make up a Township's road system.

379. TOPOGRAPHIC MAP

A map of a portion of the earth's surface showing its topography.

380. TOPOGRAPHY

The configurations of a surface area showing relative elevations.

381. TOWNHOUSES

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than to a particular housing style.

382. TOXIC POLLUTANTS

A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in those organisms of their offspring.

383. TRAILER

Any vehicle designed to be drawn by an automotive/motorized vehicle.

384. TRAILER RIG

A truck vehicle unit as classified by the American Association of State Highway Officials as a WB-40 or WB-50 vehicle. The minimum specifications are as set forth below.

	<u>W 40</u>	<u>W 50</u>
Wheelbase	13+27 = 40 feet	20+30 = 50 feet
Front overhang	4.0	3.0
Rear overhang	6.0	2.0

Overall length	50.0	55.0
Overall width	8.5	8.5
Height	13.5	13.5

385. TRAILER SALES YARD

A facility for the sales, repair and alteration of light utility and travel trailers, but not including semi-truck trailers or trailers used for hourly construction equipment.

386. TRANSITION ZONE

A zone permitting transitional uses, such as parking in a residential district.

387. TRANSITIONAL USE (see USE, TRANSITIONAL)

388. TRUCK AND RAILROAD TERMINALS

- a) A place where transfer between modes of transportation takes place.
- b) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

389. TRUCK TRACTOR

The driving and control component of a trailer rig. A truck tractor is a self-propelled vehicle to which a trailer is attached.

390. UNIFIED CONTROL

The combination of two or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

391. USE, BY RIGHT

Any use which is listed as a use by right in any given zoning district in this Ordinance. Uses by right are not required to show need for their location.

392. USE, LAWFUL

The legal use of any structure or land that conforms with all of the regulations of this code or any amendment that exist at the time of the enactment of this code or any amendment thereto. All other uses are considered nonconforming uses that may be deemed legal or illegal.

393. USE, TRANSITIONAL

A use of land or structure located or permitted to be located on certain lots abutting a zoning boundary line, in the more restricted of the two (2) zoning districts on either side of such a boundary line.

394. USED CAR LOT

A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

395. VARIANCE

A modification of the required provisions of the physical development or land use standards of the zoning code granted when strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted.

396. VEHICLE, MOTOR. A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle. A vehicle does not include trailers of any kind. *(Amended 9/06)*

397. VEHICLE REPAIR SHOP see **AUTOMOBILE OR VEHICLE REPAIR**

398. VEHICLE SALES AREA see **AUTOMOBILE OR VEHICLE SALES**

399. VETERINARY HOSPITAL see **KENNEL**

400. VOCATIONAL SCHOOL

A secondary or higher education facility, primarily teaching usable skills that prepare students for jobs in a trade; meeting applicable state requirements as a vocational facility.

401. WALL, OBSCURING

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

402. WAREHOUSE

A building primarily used for the storage of goods and materials.

403. WASTE DISPOSAL VEHICLES

Self-propelled and trailer devices used for the collection, transport and hauling of solid waste, garbage, recyclable material, or rubbish from households, public places and businesses to a disposal or recycling area.

404. WATER, FRONTAGE

The land adjacent to and abutting the mean high water mark of all rivers, streams and inland lakes.

405. WATERFRONT LOT - FRONT

The single parcel of property which lies between the building line of a dwelling unit and the mean high water mark of the river, stream, or lake.

406. WATERFRONT LOT – REAR

The portion of a single parcel of property which lies between the lot line furthest from the water's edge and the building line of a dwelling unit furthest from the mean high water mark of the lake, river or stream.

407. WATER SUPPLY SYSTEM

The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

408. WETLANDS

Swamps or marshes (natural or man-made) with seasonal water present, especially as areas preserved for wildlife.

409. WHOLESALE TRADE

Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

410. WIRELESS COMMUNICATION FACILITY

Any device, including cellular towers, used for the transmission and receiving of radio waves, micro waves, and other similar frequencies.

411. YARDS

Includes the following:

- a) FRONT YARD. The open space extending the full width of the lot between the main building and front lot line.
- b) REAR YARD. The open space extending the full width of the lot between the main building and rear lot line.
- c) SIDE YARD. The open space extending from the front yard to the rear yard between the main building and the side lot line.

412. ZERO LOT LINE

The location of a building in such a manner that one or more of the building's sides is directly on a lot line.

413. ZONE

A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

414. ZONING

The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

415. ZONING ENVELOPE

The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.