

ARTICLE 2: DEFINITIONS

Section 2.0 - Rules Applying to Text

For the purposes of this Ordinance, certain terms are defined to clarify the intent of the provisions of the Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- C. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- G. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 - 1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- H. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- I. Any word or term not defined herein shall be assumed to have the meaning customarily assigned them.
- J. "Township" shall refer specifically to Alcona Township.
- K. Any necessary interpretation of this Ordinance shall be made by the Alcona Township Zoning Board of Appeals.

Section 2.1 - Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

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

Accelerated soil erosion: The increased lay of the land surface that occurs as a result of human activities.

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 or to a private street meeting public standards.

Accessory Apartment: A dwelling unit accessory to a single-family residence, located in the principal residential structure. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Accessory Building or Accessory Structure: A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building, or buildings. An accessory structure attached to a main structure shall be considered part of the main structure

Accessory Building or Accessory Structure, Temporary: An accessory structure with no permanent footings or foundations.

Accessory Sign: A subordinate sign for information or directional purposes only and that is located on the same lot or parcel as the principle sign (i.e. parking signs).

Accessory Use: A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Acreage, Net: The actual land available for development within a parcel after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e. steep slopes, wetlands, and the like).

Adjacent Property: All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility right-of-ways.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
- B. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

- A. Persons who appear in a state of nudity;
- B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
- C. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

- D. Persons who engage in lewd or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Foster Care Facility: See State Licensed Residential Facility.

Adult Motel: A hotel, motel or similar commercial establishment that:

- A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
- B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture: The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain.

Alley: Any dedicated public right of way affording a secondary or service means of access to abutting property and not intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Animal Hospital: A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

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

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Apartment: The term "Apartment" shall mean the dwelling unit in a multiple dwelling as defined herein:

Efficiency Unit: A dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

One Bedroom Unit: A dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit: A dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.

Three or More Bedroom Unit: A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Apartment, Accessory: See "Accessory Apartment"

Appeal: See "Zoning Appeal"

Applicant: Any person that applies for a permit.

Application: The process by which the owner of a parcel of land within the township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the township concerning such a request.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Attached: Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same by common walls.

Automobile Car Wash: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Automobile Repair: A place where, with or without the sale of engine fuels, the following services may be rendered: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

Automobile Service Station: A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

Automobile or Trailer Sales Area: Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

Automobile Storage, Damaged: Any storage of inoperable vehicles intended to be repaired back to operable

condition, but not including such vehicles which are incidental or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

Average: For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

Awning: Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Banner, Flag, or Pennant: Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, pole, line, framing, or vehicle, not including the official flags of the United States, the State of Michigan, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

Basement: That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walkout capability. A "walkout basement" shall be defined as a room with at least one wall below grade, which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade. Basements must have fire escape routes as designated in the Alcona County Building Code.

Bed and Breakfast Facility: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

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

Billboard: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. Billboards may also be referred to as off-premise signs. Billboards do not include bulletin boards on governmental property used to display official or public notices and information.

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, unplanted acreage, corporation boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

Board of Appeals: See "Zoning Board of Appeals"

Boarding House: See Rooming House.

Boat Livery and/or Canoe Livery and Boat Yard: Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, repairing, servicing, storing or providing use thereof to persons other than the owners for a charge or fee.

Bordering Lands: See "Adjacent Property"

Breezeway: Any covered passageway with open sides between two buildings.

Buffer Strip: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. See also "greenbelt". When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Buildable Land(s): All areas of a parcel not defined as Unbuildable Land(s)

Building: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.

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

Building Height: The elevation measured from the average finished lot grade at the front of the building to the highest point on the roof.

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.

Building, Main: The building or structure in which the principal use or authority on a lot or parcel takes place.

Building Permit: A building permit is the written authority issued by the Alcona County Building Inspector in conformity with the provisions of the Construction Code Ordinance.

Building, Principal: A building in which is conducted the principal use of the premises on which it is situated.

Building, Temporary: A nonpermanent structure.

Cabin: Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for the temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

Cabin Court: One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

Campgrounds: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Canopy: A permanent roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

Carport: A permanent roof-like shelter that extends from part of a building and is constructed of rigid material.

Certification of Completion: A signed written statement by the Building Inspector that specific construction has been inspected and found to comply with all grading plans and specifications.

Child Care Facility: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. **Family Child Care Home:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- B. **Group Child Care Home:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than 12 children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. **Child Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) 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.
- D. **Private Home:** A private residence in which the registered facility operator permanently resides as a member of the household.

Clinic, Animal: A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

Clinic, Human: A building or group of buildings where human patients are admitted for examination and treatment by a professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

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

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

College: A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

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 14 days during any twelve-month period.

Commission: Alcona Township Planning Commission.

Common Areas, Uses and Services: Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Condominium Unit: That portion of a condominium development designed and intended for separate ownership and use consistent with the provisions of the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time share unit or any other type of use.

Construction Code: Means the Michigan State Construction Code or any Code established in accordance with its provisions or adopted by reference thereunder.

Convalescent or nursing home: A structure, qualified for license under applicable Michigan law, for the care of children, aged, or infirm.

Cottage Industry: A home-based service conducted entirely within an accessory structure.

Crawl Space: An open area between the floor of a building and the ground.

Critical area: Land significantly or seriously affected by development.

Deck: An unroofed structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than four inches above finished grade.

Density: The number of dwelling units on, or to be developed upon, a net acre of land.

District: A portion of Alcona Township in which certain building and activities are permitted and in which certain regulations, in accordance with this Ordinance, are applicable. "District" as used herein is synonymous with the word "zone" or "zoning district". See "Zoning District"

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

Drive-In Establishment: A business establishment primarily developed so 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 while parked.

Drive-In Restaurant: A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

Drive-Through Establishment: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach for motor vehicles so as to provide patrons with a service while in the motor vehicle which is in the drive-through lane(s). This service is provided from the establishment by means of a window or similar device.

Driveway: A driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot. For single-family dwellings, one (1) driveway may provide access to not more than two (2) units.

Dwelling, Apartment: See "Apartment".

Dwelling, Atrium House: A single-family dwelling attached to other similar single-family units, all having a common courtyard.

Dwelling - Condominium: An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

Dwelling, Farm: A dwelling used to house the principal family operating the farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

Dwelling - Garden Apartment: A building divided into separate living quarters, each having living and sleeping facilities and all units with common yard areas for outdoor recreation.

Dwelling, Manufactured: A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units designed for residential use.

Dwelling - Patio House: A single-family detached or semi-detached dwelling unit, enclosed by walls for privacy.

Dwelling, Single-Family: A detached building containing not more than one (1) dwelling unit designed for residential use.

Dwelling - Town House: A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

Dwelling, Two-Family or Duplex: A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling Unit, Secondary: A dwelling unit accessory to a single-family residence with its own kitchen, bath, living area, sleeping area, and separate entrance.

Earth Change: A man-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the State.

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Efficiency Unit: A dwelling unit consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Erected: Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for a building or structures. Excavation, fill drainage, land clearing, and general property improvements are not considered part of this definition.

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

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

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 purposes, gardening purposes, and ground care.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or similar dwelling for group use.

Farm: Structures, facilities, and lands for carrying on of any agricultural activity or the raising of livestock or small animals. Farms include the general as well as the specialized (furs, fowl, dairy, fruits, vegetables, and livestock), but excludes kennels and/or reptiles.

Farm Building: See Building, Farm.

Feed Lot: Any tract of land or structure wherein any type of fowl, or the byproducts thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats, or swine are kept, for the purpose of fattening such livestock for final shipment to market. or where swine are kept under any conditions.

Fence: A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

Filling: The depository or dumping of any matter into or onto the ground, except common household gardening and general care, which alters the topography of the land.

Flood Plain: The relatively flat area or lowlands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by flood water. Determination of a flood plain is:

- A. 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 100 years.
- B. Principal estuary courses of wetland areas that are part of the river flow system.

- C. Contiguous areas paralleling a river, stream or other body of water that exhibit unstable soil conditions for development.

Floor Area: The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

Floor Area, Usable Commercial: All floor area used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Floor area used principally for the storage or processing of merchandise, hallways or for utilities, shall be excluded for the computation of usable floor area; For uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.

Floor Area, Usable Residential: The floor area available for living purposes exclusive of that used for parking vehicles, utility closets, and the like.

Gasoline Service Station: See "Automobile Service Station"

Gazebo: An accessory building of an open ("see through") design permitted in front or back yard but meeting established setback and size requirements. The open area may be glass and/or screen enclosed.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Greenbelt: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Greenbelt, Shoreline: A strip fifty (50) feet wide parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as a waterfront buffer.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

Heavy Industry: Manufacturing, fabricating activities or other large scale specialized industrial operations having external effects that will be felt to some degree by surrounding uses.

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.

Home-Based Business: A profession, occupation, activity or use conducted within a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odor, unsanitary, or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession, or hobby. Such occupation shall not require external alterations of construction features, outdoor storage, or signs not customarily in residential areas.

Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient

departments, training facilities, central service facilities and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Illegal Sign: A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Junk: All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, solid waste which is both capable and incapable of decaying (except human body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery (except farm equipment), household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. Also, any premises upon which three or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

Kennel: Any lot or premises on which six (6) or more dogs six (6) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

Keyhole Development: The use of water front property as common open space for water front access for a larger development located away from the water front.

Lake Frontage: The land adjacent to and abutting the mean high-water mark of all inland lakes and Great Lakes.

Lakefront 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 lake.

Lakefront 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.

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, logging operations, agricultural practices, and mining.

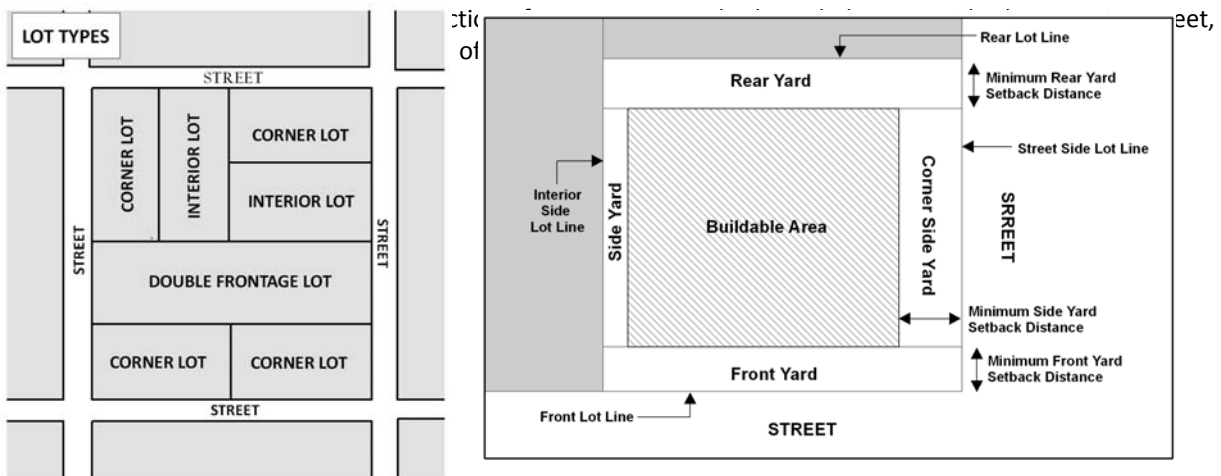
Landscaping: Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

Land Use Permit: See "Zoning Permit".

Livestock: Domesticated animals raised for home use or profit. Livestock includes such farm animals as horses, pigs, poultry, cows, goats, sheep, fowl, rabbits, camelids and similar animals.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

Lot: The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records.



Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences or swimming pools.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front. See also "Through Lot".

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

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 said lot lines.

Lot Lines: The exterior perimeter boundary lines of a lot or parcel.

Lot Line, Front: In the case of an interior lot abutting upon a road, the front lot line shall mean the line separating such lot from road right-of-way. In the case of a corner lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot line shall be on the most improved or best rated road according to the Alcona County Road Commission.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Alcona County Register of Deeds, or site condominium unit established and recorded by master deed in the Alcona County Register of Deeds on or before the effective date of this Ordinance.

Lot, Through: See Lot, Double Frontage

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line.

Manufactured Home: see Dwelling, Manufactured.

Manufactured Housing Community: A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

Manufactured Housing Community Homesite: The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

Marquee: A permanent, roof-like shelter that extends from part or all of a building face and is constructed entirely of non-combustible materials.

Migratory Labor: Temporary or seasonal labor employed in planting or harvesting.

Mobile Home: see Dwelling, Manufactured.

Mobile Home Park: see Manufactured Housing Community.

Mobile Home Site: see Manufactured Housing Community Homesite.

Motel or Motor Court: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Nonconforming Building or Structure: A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

Nonconforming Lot of Record: A lot of record that legally existed on or before the effective date of this Ordinance or any amendment to this Ordinance which does not meet dimensional requirements of this Ordinance or amendment.

Nonconforming Sign: A sign lawfully existing on the effective date of this Zoning Ordinance, which does not conform to one or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Use: A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the Zoning District in which it is located.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- A. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- B. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
- C. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night.

Nursing Home: See "Convalescent Home"

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the growing, harvesting, processing, and storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* roadside stand.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

Open Air Business: Are business uses operated for profit, substantially in the open air, usually without

buildings or structures, including uses such as the following:

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

Open Space: Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

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

Ordinary High Water Line: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water line shall be the ten year flood limit line. On Lake Huron, the ordinary high water line is set by Michigan Great Lakes submerged lands act at 581.5 feet above mean sea level, per international Great Lake datum of 1985.

Owner: A person holding any legal, equitable, option or contract of interest in land.

Parcel: See "Lot".

Parent Parcel: Any lot, from which sublots or subparcels are created after the adoption date of this Ordinance.

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking, Off-Street: Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

Parking, Off-street, Lot: see Off-Street Parking Lot.

Parking Space: An area not less than eight-and-one-half (8 1/2) feet wide and not less than twenty (20) feet long for standard-sized automobiles or not less than sixteen (16) feet long for compact-sized automobiles. Said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within public highway or public or private road rights-of-way.

Patio: A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than four inches above the finished grade of the property.

Pet: Shall mean only such animals as may commonly be housed within domestic living quarters.

Performance Guarantee: Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Alcona Township Board.

Permanent Soil Erosion Control Measures: Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

Person: An individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

Place of Worship: See Religious Institution.

Planned Unit Development (PUD): A use which allows a development to be planned and built as a unit and which permits upon review and approval, variation in many of the traditional controls related to density, land use, open space and other design elements, and the timing and sequencing of the development.

Planning Commission: The commission appointed by the Township Board under the provisions of Public Act 168 of 1959, the "Township Planning Act" as amended. Refers to the Alcona Township Planning Commission.

Plat: A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Land Division Act as amended (formerly the Subdivision Control Act).

Plot Plan: The drawings and documents depicting and explaining all salient features of a proposed development which requires a Zoning Permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

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

Porch, Open: A covered entrance to a building or structure which is not enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Principal Structure: The main structure on the premises devoted to the principal use.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exists.

Private Road: See "Road, Private".

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public Place: Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities,

privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public Sewer Systems: A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers.

Recreation Vehicle Park (RV Park): A family recreation-oriented facility for the overnight, short-term or seasonal, but not permanent or year-round, parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

Religious Institution: A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple or synagogue.

Residential Structures: Means any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by human families or individuals.

Resort: A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial grocery, sporting goods, gasoline service outlet, and/or food service facility.

Restaurant: A building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

Retail and Retail Stores: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

Right-of-Way: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles

Road, Private: Any road which is privately constructed and has not been accepted for maintenance by the Alcona County Road Commission, State of Michigan or the federal government.

Road, Public: Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

Road Right-of-Way Line: The line which forms the outer limits of a road right-of-way or easement, and which

forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on premises or on other properties under the same ownership or management. The operation of only a roadside stand on premises otherwise classified as agricultural or residential shall not make it a commercial district or land nor shall its use be deemed a commercial activity.

Rooming House: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for indefinite periods of time and meals may be served for compensation.

Sanitary Landfill: A private or public landfill that meets all of the requirements of Part 115 of Public Act 451 of 1994, as amended and the rules promulgated under these Acts by the Michigan Department of Natural Resources.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

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 the calendar year.

Seasonal Use: Any use or activity that can not be conducted or should not be conducted during each month of the year.

Setback: The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

Setback, Waterfront: The minimum required horizontal distance measured from the ordinary high water mark within which no buildings or structures may be placed.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Shoreline: The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County or other public agency. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Signs not exceeding one (1) square foot in area bearing only property numbers, mail box numbers or names of occupants of premises are excluded from this definition.

Sign, Abandoned: A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.

Sign, Animated or Moving: A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

Sign Area: The entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two for purposes of determining the maximum permitted sign area. Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

Sign, Awning: A sign painted on, printed on, incorporated in, or attached flat against the surface of an awning.

Sign, Blade/Bracket: A sign that projects in a perpendicular manner from a structure (bracket sign) or is hung beneath a canopy (blade sign).

Sign, Canopy: Any sign attached to or constructed within or on a canopy.

Sign, Changeable Copy: A sign designed so that the message displayed can be changed.

Sign Clearance: The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Sign Copy: The wording on a sign surface in either permanent or removable letter form.

Sign Face: The area of a sign on which the copy is placed.

Sign, Free-Standing: A sign supported by permanent uprights or braces in the ground.

Sign Height: The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

Sign, Lighted: Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

Sign, Marquee: A sign displayed on a marquee that does not extend vertically or horizontally beyond the limits of the marquee.

Sign, Monument: A sign where the entire bottom of the sign is affixed to the ground.

Sign, Off-Premise: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

Sign, On-Premise: A commercial sign relating in its subject matter to the premises on which it is located, or to activities, products, services, or accommodation of the immediate site.

Sign, Overhanging: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

Sign, Portable: Any sign not permanently attached to the ground or a building and is designed to be transported including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T-frame signs;
- Attached temporarily to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
- Menu and sandwich boards;
- Searchlight stand; and
- Hot-air or gas-filled balloons or umbrellas used for advertising.

Sign, Primary: Any sign not designated an accessory sign or a changeable copy sign and is used for the purpose of displaying primary information about the establishment.

Sign, Real Estate: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Sign, Roof: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign Surface: That portion of a sign excluding its base, foundation and erection supports on which is displayed information pertaining to a product, use, occupancy, function, service, or activity located within that structure, on the same property as the sign, or at a location different than the property on which the sign is located.

Sign, Temporary: A sign that is intended to be displayed for a limited period of time.

Sign, Wall: Any sign attached parallel to a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one sign surface.

Sign, Window: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Small-Scale Craft-Making: Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a

manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty percent (50%) of the structure is devoted to making crafts.

Soil Conservation District Standards: Soil Conservation Service handbook.

Special Land Use: A use which is subject to approval by the Township. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Nonconforming use.

Special Land Use Permit: A permit issued by the Township Board/Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.

Spot Zoning: A change in the zoning map (rezoning) that violates sound principles of zoning and is characterized by the following:

- A. The parcel is small in size relative to its surroundings; and
- B. The proposed rezoning confers benefits and privileges to the property owner which are not generally extended to property similarly located in the area; and
- C. The proposed rezoning allows uses that are not compatible or consistent with uses in the vicinity; and
- D. The proposed rezoning does not comply with the current Master Plan.

Stable: A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

Stable, public: Building in which any horses are kept for hire or sale.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the upper-most floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty percent (50%) or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

Story, half: An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one-half (1/2) of the full story, contains at least 160 square feet and has a minimum floor-to-ceiling clearance of 7 feet, 6 inches.

Story Height: The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, but not an alley.

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

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground. Driveways, vehicles, sidewalks, parking areas, septic systems and tanks are excluded from this definition.

Subdivision: The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat or other instrument.

Swimming Pool: Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than eighteen (18) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Telecommunication Towers and Facilities or Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Accessory Building or Structure: see Accessory Building or Structure, Temporary.

Temporary Building: see Building, Temporary.

Temporary Sign: see Sign, Temporary.

Temporary Soil Erosion Control Measures: Interim soil erosion control measures which are installed or constructed until permanent soil erosion controls are completed.

Temporary Use: See Use, Temporary.

Tent: As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

Tourist Home: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation for definite periods of time. For the purpose of this Ordinance, the term tourist home also includes bed and breakfast facility.

Township: Means Alcona Township, Alcona County, Michigan.

Township Board: Means the Alcona Township Board.

Travel Trailer: See Recreational Vehicle.

Travel Trailer Park: See Recreation Vehicle Park (RV Park).

Use: The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

Use, Accessory: See "Accessory Use".

Use, Land: The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.

Use, Principal: See Principal Use.

Use, Public: Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

Use, Temporary: A use, activity, or building permitted to exist during the period of construction of the main building or use or for special events.

Variance: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

Variance, Dimensional: A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or construction requirement/limitation. It is the most common type of variance and, unlike use variances, does not affect what land use may be established on a parcel. Rather it is granted only to allow permitted structures to be developed in the face of a "practical difficulty."

Vehicle Sales - New: An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having complete and enclosed facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

Vehicle Sales - Used: An authorized dealership for the sale of used vehicles with completely enclosed-office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

Wind Energy Definitions:

Ambient: Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.

Anemometer: A device used to measure wind speed.

dB(A): The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

Hub Height: The distance measured from the ground level to the center of the turbine hub.

Small On-Site Wind Energy Systems: A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as window of a dwelling.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Wind Energy Facility (Commercial): A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind Turbine Generator: A wind energy conversion system which converts wind energy into electrical energy. Includes a tower, pylon, or other structures including all accessory facilities

Wind Turbine Generator Total Height: The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

Window Area: Window area shall be computed by calculating each window pane or panel. The area shall be separate for each building face and for each window. A group of window panes or panels may be considered one window if they are adjoining on the building face and are less than six (6) inches apart.

Yard: An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections, such as porches and steps, and the specific minor uses or structures allowed in such open space under the provisions of this Ordinance.

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or road-right-of-way line as the case may be.

Yard, Rear: A yard extending across the full width of the lot from the rear line of the building to the rear property lot line.

Yard, Side: A yard between the side lot line and the nearest side of the building, extending between the front yard and rear yard.

Yard, Waterfront: A yard, any part of which abuts on a lake, stream or any other natural or artificial watercourse.

Zero Lot Line: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

Zoning Administrator: Means the person retained by the Township Board to administer and enforce this Zoning Ordinance.

Zoning Appeal: An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

Zoning Board of Appeals: As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

Zoning District: A portion of the Township within which certain regulations and requirements, or various

combinations thereof, apply under the provisions of this Ordinance.

Zoning Permit: A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.