

**CHARTER TOWNSHIP OF BREITUNG
DRAFT 3.20.09**

**ARTICLE II
DEFINITIONS**

Section 201 Construction of Language

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

- (A) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- (B) The particular shall control the general.
- (C) In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (D) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (E) When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- (F) The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
- (G) The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
- (H) The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- (I) The word "lot" includes the words "plot" and "parcel."
- (J) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.
- (K) Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

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- (L) Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.
- (M) In computing a period of days, if the first day or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 202 Definitions

For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

1. **Access:** *A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.*
2. **Access Management:** *The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.*
3. **Access Point:** *a) The connection of a driveway at the right-of-way line to a road.
b) A new road, driveway, shared access or service drive.*
4. **Accessory Building:** A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
5. **Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
6. **Agriculture:** Any land or building use for pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.
7. **Airfield:** A privately owned parcel of land that is used for the landing, take off, or parking and fueling of aircraft.
8. **Airport:** An area of land that is used for or incidental to the landing, take off, and parking of aircraft, including buildings and facilities. For the purposes of this definition airport related buildings and facilities may include control towers, passenger terminal buildings, fixed base operators, hangars, rental car facilities, air cargo facilities, visual and electronic navigational aids, meteorological equipment and stations, airport maintenance facilities and buildings, automobile parking for employees and passengers, viewing areas and contiguous reserve land held for such uses and purposes.
9. **Alley:** A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

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- 10.** 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; or any change which may be referred to herein as "altered" or "reconstructed."
- 11.** Apartment: A dwelling unit in a "dwelling, multiple family," as defined herein.
- 12.** Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
- 13.** Basement: That portion of a building, which is partially or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- 14.** Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
- 15.** Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
- 16.** Bluff Line: The edge or crest of the elevated segment of the shoreline above the beach or beach terrace which may be subjected to wave attack, and normally presents a precipitous front and inclines steeply on the water side. (Dunal terraces that accrete and erode depending on water levels are not considered bluff lines.)
- 17.** Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
- 18.** Buffer Yard: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
- 19.** Building: Any structure having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced (fire) wall(s) extending from the ground up, each part is deemed a separate building, except for minimum side yard requirements as hereinafter provided.

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20. Building Area: The area (square footage) included within surrounding exterior walls (or firewalls) exclusive of vents, elevator or other shafts, courts, or courtyards. Areas of the building not provided with surrounding walls shall be included in the building area if included within the horizontal projection of the floor above.
21. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls.
22. Building Line: A line parallel to the front lot line, which for purposes of this Ordinance, a minimum building line is the same as the minimum required front setback line.
23. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
24. Campground: Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, motor homes, tents, or mobile trailers for dwelling, lodging, or sleeping purposes and is held out as such to the public. Campsite does not include and manufactured housing community.
25. Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.
26. Caretaker Residence: *A single dwelling unit occupied by an employee responsible for the operation at the commercial facility. (Adopted 7-28-97)*
27. Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property in the Township.
28. Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
29. Clinic: A place where four or more doctors or dentists furnish medical or dental care to persons on an outpatient basis.
30. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

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31. Co-location: The location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall numbers of structures required to support wireless communication antennas within the township.
32. Comprehensive Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions. *May also be referred to as a Master Plan.*
33. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure and for those uses not specifically mentioned in this Ordinance which possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
34. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them.
35. Deck: An open platform with or without railings, constructed of wood or other material which is not screened or enclosed that is also either attached, part of, or adjacent to and with direct access to or from a building.
36. Density: The number of dwelling units situated on developable land expressed on a per acre basis. Maximum permitted density is the number of dwelling units that may be permitted per acre as determined by consideration of size, setback and other requirements in this ordinance affecting the number, size and placement of dwelling units on developable land.
37. District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.
38. Driveway: a) A passage providing access to an individual's property along which vehicles may be driven, comprised of suitable base as determined by the Zoning Administrator or his designated agency or person. If these driveways cross an existing roadside ditch, the property owner shall obtain a permit from the Dickinson County Road Commission to install a culvert (minimum length is 24 feet) of sufficient size to carry, unimpeded, the flow of water in the ditch. *b) Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.*

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39. *Driveway Offset*: *The distance between the centerline of two driveways on opposite sides of an undivided roadway.*
40. *Driveway, Shared*: *A driveway connecting two or more contiguous properties to the public road system.*
41. *Dwelling, Single-Family*: A structure, including a mobile home, containing not more than one dwelling unit designed for residential use.
42. *Dwelling, Two-Family*: A building containing two separate dwelling units designed for residential use and conforming in all other respect to the standards set forth in the definition of single-family dwelling.
43. *Dwelling, Multiple Family*: A structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
44. *Dwelling Unit*: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.
45. *Easement*: The legal right to use property owned by another for specific purposes or to gain access to another property. The easement may be for a portion or all of the property and can be deemed as under, on, or above said property.
46. *Earth Sheltered Home*: A building that is partially or entirely below grade and is designed to be used as a single-family dwelling.
47. *Efficiency Apartment*: A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking and sleeping purposes and having no separate designed bedroom.
48. *Erected*: The word "erected" includes built, constructed, reconstructed, move upon, or any physical operations on the premises required for a building. Excavations, fill, drainage, and the like, shall be considered part of erection.
49. *Essential Services*: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories which are necessary for the furnishing of adequate service by utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
50. *Excavation*: Any breaking of ground, except common household gardening, general farming and ground care.

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51. Family: An individual or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
52. Farm: Any parcel of land containing at least five acres, which is used for agricultural purposes. It includes the necessary farm structures and the storage of equipment used. It excludes the raising of fur bearing animals, commercial dog kennels and riding academies.
53. Fence: A linear structure erected to divide or enclose yard areas.
- a. Fence - Perimeter: A fence located on or near a property line to prohibit or impede access to property.
- b. Fence - Visual Screen: A fence, wall, hedge or living fence consisting of such materials as to obscure the vision beyond the fence line by greater than 50%. Visual screens, on or near the property line, are perimeter fences. *(Adopted 3-22-99*
54. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
55. Flag Lot: A lot which has minimum frontage on a public or private street, which is reached via a private drive or lane and whose width some distance back from the street right-of-way, meets all ordinance requirements.
56. Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered, shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.
57. Floor Area Ratio: An intensity measurement denoted as a ratio, derived by dividing the total floor area of a building by the property area.
58. Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patron, clients or customers. Such floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of heated living areas of the

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building, measured from the interior faces of the exterior walls, including private garages.

59. Free-Standing Tower: A trussed (microwave tower) or single pole (cell phone tower) constructed of lattice steel or aluminum which is supported by a concrete base and/or guy wires extending at angles from the structure to ground anchors.
60. ***Frontage Road or Front Service Drive: A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.***
61. Garage, Private: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.
62. Gasoline Service Stations: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
63. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.
64. ***Greenhouse, Commercial: A building used for the cultivation and exhibition of plants under controlled conditions for commercial sale.***
65. Home Occupation: Home occupation means a use or occupation conducted on the premises either within the main residential dwelling or an accessory building which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the standards set out in Section 405 and Section 704.
66. Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and/or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power. This definition shall not be deemed to include farm machinery other than automobiles or trucks.
67. Junk: For the purpose of this Ordinance, the term "junk" shall mean an inoperable motor vehicle, machinery, appliances, products, or merchandise with

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parts missing or scrap metals, building debris, or other scrap materials that are damaged or deteriorated.

68. Junkyard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running condition, machinery or parts thereof.
69. Kennel, Commercial: Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats, or other domestic pets.
70. Kennel, Private: Any lot or premises used for the private maintenance of up to four dogs, cats, or other household pets, four months of age or older, not involving any commercial activities. The keeping of more than four animals shall be considered a commercial kennel regardless of ownership or species of animals.
71. Loading Space: An off-street space on the same lot with a building, or group of buildings, for one temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
72. Lodge: A single building or facility that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of guests with or without sleeping facilities.
73. Lot: Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces of yards as are required under this Ordinance and having its principal frontage upon a street.
74. Lot Area: The total horizontal area within the lot lines of a lot.
75. Lot, Corner: A lot that has at least two contiguous sides abutting upon a street for their full length.
76. Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the sidelines of the lot.
77. Lot, Interior: A lot other than a corner lot.
78. Lot Line(s): Any of the lines bounding a lot as defined herein.
a. Front Lot Line: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is both lines separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. Once declared and

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- so indicated on the building permit application, the designated front lot line shall remain as such.
- b. Rear Lot Line: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten feet in length, lying farthest from the front lot line and wholly within the lot.
- c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a 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.
79. Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, Dickinson County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds, Dickinson County, Michigan, prior to the adoption of this Ordinance.
80. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
81. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.
82. Major Thoroughfare: An arterial street that is intended to serve as a large volume traffic-way for both the immediate area and the region beyond.
83. Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
84. ***Membrane Storage Structure: A structure consisting of a frame that is covered with a plastic, fabric, canvas, aluminum or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term shall also apply to structures commonly known as hoop houses, canopy covered carports and tent garages but shall not apply to boat lifts and canopies that are placed in public waters and temporary tents or canopies used for special events such as weddings or graduations.***
85. Mini-Storage-Warehouse: A building designed and built for retail rental of space for the storage of various types of goods, products, household items, automobiles, boats, etc.. This does not include the storage of hazardous materials including chemicals.
86. Mobile Home: A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted.

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87. Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents.
88. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modulares or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit or multiple-family unit, and meeting all codes and regulations applicable to conventional single-family home or multiple family unit construction.
89. Motel: A series of attached or detached rental unit containing bedroom, bathroom and closet space. Units shall provide for overnight lodging, are offered to the public for compensation, and shall cater primarily to the traveling public.
90. Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and which dancing and musical entertainment is provided.
91. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
92. Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.
93. Nuisance: Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:
- a. noise;
 - b. dust;
 - c. smoke;
 - d. odor;
 - e. glare;
 - f. fumes;
 - g. flashes;
 - h. vibration;
 - i. objectionable effluent;
 - j. noise of a congregation of people, particularly at night;
 - k. passing traffic; or

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- I. invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.
94. Nuisance, Attractive: A use, practice, structure or condition that meets the criteria as contained in the "Classic Statement of the Doctrine of Attractive Nuisance" (2 Restatement of Torts, 2d 339, p. 197; Gilbert v Sabin, 76 Mich. App. 137, 142 June(1977)).
95. Nursery School (Day-Care Center): A public or private school, kindergarten or child care facility wherein day-care, or day-care and education is provided for five or more minors.
96. Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
97. Open Space Ratio: The proportion of a site consisting of required open space as defined and specified in Section 401, and which shall be calculated using the property area.
98. Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
99. ***Outdoor Wood Furnace: A wood-fired boiler, stove or furnace that is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system.***
100. ***Overlay Zone or Overlay District: A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.***
101. Parking Space: An area of not less than 180 square feet in area, exclusive of drives, aisles or entrance giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.
102. Planned Unit Development: A tract of land developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved Site Plan that allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses.
103. Planning Commission: The Township Planning Commission of the Township of Breitung.

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104. Porch: A roofed open area, which may be screened and is usually attached to, or part of, and with direct access to or from a building.
105. Principal Use: The main use to which the premises are devoted and the principal use for which the premises exist.
106. ***Private Road (Township Approved): A privately owned and maintained road constructed on a privately maintained easement serving four (4) or more parcels of land or residential building sites.***
107. Public Utilities: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public, gas, steam, electricity, sewage disposal, communication, television, telegraph, transportation or water via the public road right-of-ways under the jurisdiction of the Township. (Adopted 5-28-02)
108. ***Rear Service Drive: A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.***
109. ***Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency.***
110. Resort: A building or series of buildings under common ownership that provides interrelated visitor and vacation amenities and are intended to serve the community and the travel needs through the area. Typical uses include but are not limited to: overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance facilities, resort operation facilities, and restaurant and retail uses which are compatible with such a development.
111. Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state, for consumption with a drive thru:
- a. within the restaurant building;
 - b. within a motor vehicle parked on the premises; or
 - c. off the premises as carry-out orders, and whose principal method of operation includes the following characteristics; food and/or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
112. Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to- consume state, without a drive thru and whose principal method of operation includes one or both of the following characteristics:

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- a. Customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
 - b. A cafeteria-type operation where food and beverage generally are consumed within the restaurant building.
113. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
114. Roadside Stand: A structure which is used seasonally for display and sale of agricultural produce. The operation of a roadside stand shall not constitute a commercial use.
115. Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals, as necessary and maintained in accordance with the provisions of Act 641 of 1978, as amended.
116. Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.
117. Seasonal Dwelling: A residential building, whether temporary or permanent and may include mobile homes constructed prior to the Department of Housing and Urban Development's Mobile Home Construction and Safety Standards, being 24 CFR 3280. Where "seasonal dwelling" is provided as a principal permitted or Conditional Use in this Ordinance, it is intended that governmental services including snow plowing, road construction or maintenance, utilities, school bus service, and other like services may not be customarily be provided to the geographic area in which such dwelling or use is located. Anyone building a residential building in a zone designated for "seasonal dwellings" shall be informed in writing by the building inspector or Zoning Administrator that the "seasonal dwelling located in an area where the above governmental services are not customarily provided, such services may not, therefore, be available to that building or use.
118. Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
119. Setback, Front: The minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.

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120. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
121. Setback, Side: The minimum required unoccupied distance is between the front setback area to the rear setback area and between the principal and accessory buildings and the side lot line.
122. ***Sexually Oriented Business: Any premise from which minors are excluded and in which the retail sale of book, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions is conducted as a principal use of the premises; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.***
123. ***Shopping Center: A group of stores and often restaurants and other businesses sharing a common parking lot.***
124. ***Shopping Mall: A shopping center with stores and businesses facing an enclosed mall.***
125. ***Sight Distance: The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.***
126. Sign: Any device including words, numerals, figures, designs, pictures or trademarks painted upon or otherwise affixed to a building, wall, board, or any structure, so as to inform or attract attention.
127. ***Sign-Billboard/Off Premise: An outdoor sign advertising services or products, activities, persons or events which were not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.***
128. ***Sign- Building: A sign which identifies or directs attention to a business which is permanently affixed to a building or structure.***
129. ***Sign- Directional: A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as “one way,” “entrance” and “exit” but not used for advertising.***
130. ***Sign Monument: A free-standing, self-supporting sign on a base, which is placed on or at ground level and not attached to any building wall, fence or other structure.***
131. ***Sign- Pole or Pylon: A sign supported by at least one upright pole, pylon or post which is secured to the ground and not the building***

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132. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
133. ***Stable, Private.*** Any lot or premises wherein or whereon a horse or horses are maintained, harbored, kept, confined, raised, lodged, fed, or allowed to remain, which are exclusively owned and used by a person living at the lot or premises, but not a public stable.
134. ***Stable, Public.*** Any lot or premises wherein or whereon a horse or horses are maintained, harbored, kept, confined, raised, lodged, fed, or allowed to remain, for sale, public show, boarding, breeding, leasing, trading, training, riding, or some similar purpose, for remuneration, or which is a stable that is not a private stable.
135. Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.
136. Story, Half: That part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half of the floor area of a full story.
137. Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
138. ***Strip Mall:*** An open area shopping center containing a row of various stores, businesses and restaurants.
139. Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including, but not limited to all buildings, free-standing signs, and satellite dishes, and not including sidewalks, drives, patios, and utility poles.
140. Structural Alterations: Any change in the supporting members of a building such as the bearing walls, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.
141. Subdivision: The division of a lot, tract, or parcel of land into five or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term "subdivision" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of ten acres or more.
142. ***Swimming Pool:*** Any commonly known structure having a water depth greater than 24 inches and a surface area greater than 250 sq. ft. (18 ft. dia.) or any

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pool equipped with a water recirculation or filtering system as defined by BOCA Section 625.0. (Adopted 3-22-99)

143. **Throat Length:** *The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.*
144. **Throat Width:** *The distance edge-to-edge of a driveway measured at the right-of-way line.*
145. **Township Board:** This governing body of the Charter Township of Breitung.
146. **Trip Generation:** *The estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.*
147. **Underlying District:** *The base zone below an overlay zone which establishes the fundamental permitted uses, densities and dimensional regulations applicable to lands subject to a zoning ordinance.*
148. **Variance:** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
149. **Wireless Communication Facility.** All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers; cellular telephone and paging devices; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. (Not included are facilities for citizen band radio; short wave radio; ham and amateur radio; television reception antennae; satellite dishes; and government facilities which are subject to state and federal law.) Wireless communication facilities shall be specifically excluded from the definition of "public utility". (Adopted 5-28-02)
150. **Wireless Communication Support Structure.** Any structure used to support attached wireless communication facilities, or other antennae or facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, or other similar structures which support wireless communication facilities. (Adopted 5-28-02)

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151. Yards:
- a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
 - b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
 - c. Yard, Side: An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.
152. Zoning Administrator: The Township Board's authorized representative is charged with the responsibility of administering this Ordinance.

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