

ARTICLE II
Rules of Text Interpretation, and Definitions of Terms

§ 220-2-1. Rules of text interpretation.

The following rules of interpretation apply to the text of this chapter:

- A. The particular shall control the general.
- B. With the exception of this section, the headings which title a section or subsection are for convenience only and are not to be considered in any construction or interpretation of this chapter or as enlarging or restricting the terms and provisions of this chapter in any respect.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Unless the context clearly indicates to the contrary:
 - 1. Words used in the present tense include the future tense;
 - 2. Words used in the singular number shall include the plural number; and
 - 3. Words used in the plural number shall include the singular number.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
- G. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed to be used," or "occupied".
- H. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.
- I. Any term or word defined in this chapter is defined for the purpose of its use in this chapter; such definitions shall apply in the interpretation and enforcement of this chapter unless otherwise specifically stated.

§ 220-2-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE, BUILDING OR STRUCTURE — A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

AGRICULTURAL DISTRICT (OR ZONE) — The AG/OS Agricultural/Open Space Preservation District, and any other subsequently established zoning district which includes AG in its title code or “Agricultural” in its name.

ALTER (or ALTERED or ALTERATIONS) — Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building. Also see “structural changes or alterations”.

ANIMAL UNIT (or ANIMALS PER ANIMAL UNIT) — For purposes of this Chapter, the number of animals per animal unit shall be determined pursuant to the following equivalents:

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| A. | Slaughter and Feeder Cattle: | 1 animal equals 1.00 animal unit |
| B. | Mature Dairy Cattle: | 1 animal equals 1.42 animal units |
| C. | Horses: | 1 animal equals 2.00 animal units |
| D. | Swine (weighing over 55 lbs.): | 1 animal equals 0.40 animal unit |
| E. | Sheep and Lambs | 1 animal equals 0.10 animal unit |
| F. | Laying Hens or Broilers: | 1 animal equals 0.01 animal unit |
| G. | Turkeys: | 1 animal equals 0.018 animal unit |

All other animal classes, types or sizes (eg. Nursery pigs) not listed, but defined in the Michigan Right to Farm Act or described in Michigan Commission of Agriculture and Rural Development policy, are to be calculated as one thousand pounds live weight equals one animal unit.

BASEMENT — A portion of a building, or a portion of a room, located wholly or partially below grade.

BED-AND-BREAKFAST FACILITY — A use which is subordinate to the principal use of a single-family dwelling in which not more than six transient guests are provided a sleeping room and board in return for compensation.

BIOFUEL — Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and that meets applicable quality standards, including, but not limited to, ethanol and biodiesel; but not including methane or any other fuel product from an anaerobic digester. For purposes of this term “ethanol” means a substance that meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.

BUILDING — An edifice configured or constructed and designed to stand more or less permanently and covering a space of land for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose.

BUILDING HEIGHT — The vertical distance from the average elevation of the adjoining grade paralleling the front, or if on a street corner, the front and side, of the building to its highest point of the roof surface if the roof is flat; to the deckline, if the roof is mansard type; or the average height between the eaves and the ridge if the roof is gable, hip or gambrel type.

BUILDING LINE — The line adjacent to a principal building and parallel to the front lot line, formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjacent ground.

BUILDING/STRUCTURE SETBACK — The minimum horizontal distance required to exist between a building or structure or any portion thereof (including eaves, steps, and porches) and the front, side or rear lot line, or some other place, such as a waterway, as required by this Chapter.

CHILD CARE CENTER or DAY CARE CENTER — A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parent or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a twelve-month period.
- B. A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

CHURCH/WORSHIP FACILITY — A building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain worship for a local congregation.

COMMON OPEN SPACE — Land within an open space preservation development which is not individually owned and which may not be subdivided. Such land shall be permanently protected from development and preserved in an undeveloped state. Areas not considered common open space shall include areas devoted to public or private road rights-of-way or any land that has been or is to be conveyed to a public agency for utilities, areas devoted to county drain easements, existing surface water bodies and regulated wetlands.

COMMUNITY FACILITY — A building or structure owned and operated by a governmental agency to provide service to the public.

CONDOMINIUM UNIT — That portion of a condominium subdivision designed and

intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use approved by the Michigan Department of Commerce.

CONSTRUCTION — The building, erection, alteration, repair, renovation (or demolition, relocation or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot, other than normal maintenance.

CONVALESCENT OR NURSING HOME — A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders.

DENSITY — The total number of dwelling units divided by the area of land under consideration.

DUPLEX — See "dwelling, two-family."

DWELLING, MULTIPLE-FAMILY — A building or portion thereof, used or designed for occupancy by more than two families living independently of each other.

DWELLING, SINGLE-FAMILY DETACHED — A dwelling unit exclusively for use by one family which is entirely surrounded by open space or yards on the same lot.

DWELLING, TWO-FAMILY — A detached building used or designed for use exclusively by two families living independently of each other and each doing their own cooking in said building. It may also be termed a "duplex."

DWELLING or DWELLING UNIT — Any building or portion thereof, mobile home, premanufactured or pre-cut structure which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families (but not including motels, hotels, tourist rooms or cabins) complying with the following standards:

- A. A minimum living area of 960 square feet for one- or two-bedroom dwelling plus 150 square feet of additional living area for each additional bedroom beyond two. See Article XV for the minimum dwelling unit size applicable in the HDR District.
- B. A minimum width throughout the entire length of the dwelling of 20 feet measured between the exterior part of the walls having the greatest length, except in the AG/OS District the minimum width shall be 16 feet.
- C. Firm attachment to a permanent foundation constructed on the site in accordance with the Township Building Code and co-extensive with the perimeter of the building, which attachment also meets all applicable building codes and other state and federal regulations.
- D. No exposed wheels, towing mechanism, undercarriage or chassis.
- E. Approved connection to a public sewer and water supply or to such private facilities approved by local health department.

- F. A storage area either in a basement located under the dwelling, an attic area, in closet areas or in a separate structure being of standard construction similar to or of better quality than the principal dwelling, equal to not less than 15% of the minimum dwelling unit square footage requirement of this chapter for the zone in which the dwelling is located.
- G. Aesthetic compatibility in design and appearance to dwellings in the surrounding area; provided this provision shall not be construed to prohibit innovative design concepts in such matters as solar energy, view, unique land contours or relief from the common or standard designed home.
- H. Permanently attached steps connected to exterior door areas or to porches connected to exterior door areas where a difference in elevation requires the same.
- I. Mobile homes shall comply with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" (24 CFR 3208), and as from time to time amended.

The foregoing standards A, B, and C shall not apply to a mobile home occupied as a lawful temporary dwelling in a state-licensed and zoning-approved campground.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance of public utilities by municipal departments or by utilities regulated by the Michigan Public Service Commission and holding a franchise from the Township, of underground or overhead gas, electrical, steam, or water transmission, or distribution systems, collection, communication, supply, or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchanges and/or repeater buildings, electric substations, gas regulators, stations, and other similar equipment).

EXOTIC ANIMAL — Any wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo or which would ordinarily be found in the wilderness of this or any other country.

FAMILY

- A. An individual or group of two or more persons related by blood, marriage or adoption, including those related as foster children and servants, together with not more than one additional unrelated person, who are domiciled together as a single, domestic, nonprofit housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FAMILY BUSINESS – An occupation or business activity conducted as an accessory use to the principal residential use of the same property, but which does not qualify as a home occupation as defined in this chapter.

FAMILY DAY CARE HOME — A private home where not more than six minor children (or such other increased capacity number of minor children permissible under state law) are received for care and supervision for periods of less than 24 hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

FARM — The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products, including the commercial raising of livestock and poultry, dairying, horticulture, sod, farm forestry, truck gardening, and other similarly bona fide agricultural enterprises or uses of land and structures for commercial agriculture purposes; but not including farms operated wholly or in part for the disposal of garbage, sewage, rubbish, offal or wastes from rendering plants or slaughterhouses.

FARM MARKET — An area and/or permanent or temporary building/structure where transactions between a farm market operator and customers take place as a seasonal or year round operation, and where at least 50% of the products marketed for sale (as measured by retail space used to display products) are produced on and by a farm under the same ownership or control as the farm market. A farm product or commodity sold at a farm market may be unprocessed, or processed to convert it into a value-added product that is more marketable for direct sales (such as by washing, sorting, packaging, canning, drying, freezing, or otherwise preparing the product for sale). A farm market may include other activities and services directly related to the farm products sold at the farm market (such as a cider mill accessory to an apple producer's farm market), but shall not otherwise include indirectly related or unrelated activities and services to attract and entertain customers and/or facilitate retail trade transactions unless such activity or service is otherwise permissible in the zoning district at issue and has been granted all required zoning approvals.

FARMERS MARKET — A commercial marketing facility where farm products are sold by multiple vendors whose operations/activities are not necessarily otherwise affiliated with each other. A farmers market may include unprocessed farm products (fruits, vegetables, and other farm commodities) and processed farm products (for example, apple cider, jams, pies, breads). Non-edible goods may be sold at a farmers market if they are directly related to or derived from farm products; but a farmers market is not intended to include such land uses/activities as flea markets, yard sales, or any other similar sales event where farm products are not predominant. Note: a farmers market may also include a facility that would otherwise qualify as a "farm market" as herein defined except for the percentage of products offered for sale that are not produced on and by a farm under the same ownership and control as the farm market (e.g., less than 50%).

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

- marketing produce at roadside stands or farm markets.
- the generation of noise, odors, dust, fumes, and other associated conditions.
- the operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by law.
- field preparation and ground and aerial seeding and spraying.
- the application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- use of alternative pest management techniques.
- the fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- the management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- the conversion from a farm operation activity to other farm operation activities.
- the employment and use of labor.

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

FENCE – A structural barrier constructed of wood, metal, stone, brick or masonry, or other durable materials, of either solid or open-style construction, erected or otherwise serving to enclose an area of land, or as a property boundary demarcation or dividing device, or as a visual screening device, or performing a similar function. This definition is not intended to include growing trees, shrubs, or other similar live vegetative material.

FLOOR AREA (or GROSS FLOOR AREA) — The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building, which is what this normally is referred to as, shall include the basement floor area when more than 1/2 of

the basement height is above the established curb level or finished lot grade, whichever is higher (see "basement" definition).

FOSTER CARE (LARGE GROUP) HOME — A private residence constructed and used for residential purposes that is licensed by the state pursuant to 1979 Public Act 218, as amended (*MCL 400.701 et. seq.*) or 1973 Public Act 116, as amended (*MCL 722.111 et. seq.*) which provides supervision, personal care and protection, in addition to room and board, for 7-13 adults and/or children for compensation, 24 hours a day, five or more days a week, for two or more consecutive weeks; except for persons released from or assigned to adult correctional institutions. This term shall also include, solely for purposes of this Ordinance, a private residence in which 7-13 adults are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian.

FOSTER CARE (SMALL GROUP) HOME — A private residence constructed and used for residential purposes that is licensed by the state pursuant to 1979 Public Act 218, as amended (*MCL 400.701 et. seq.*) or 1973 Public Act 116, as amended (*MCL 722.111 et. seq.*) which provides supervision, personal care and protection, in addition to room and board, for 1-6 adults and/or children for compensation, 24 hours a day, five or more days a week, for two or more consecutive weeks; except for persons released from or assigned to adult correctional institutions. This term shall also include, solely for purposes of this Ordinance, a private residence in which 1-6 adults are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian.

FRONTAGE (OR LOT FRONTAGE) — The length of the front lot line of a lot. This term generally relates to the minimum required length of a front lot line/lot width for property to be buildable; but may refer to road frontage in other contexts in this Chapter.

GARAGE — A building accessory to a principal use designed to house not more than three automobiles.

GRADE — The grade of a road, street or sidewalk shall be the elevation of the curb at the midpoint of the front of the lot, as established by the Zoning Administrator.

GROUP DAY CARE HOME — A private home where more than six but less than 12 minor children (or such other increased capacity number of minor children permissible under state law) are given care and supervision for periods of less than 24 hours a day untended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

HOME OCCUPATION — An occupation or business activity (including instruction in a craft or fine art) conducted as an accessory use within a dwelling by the resident(s) of the dwelling, in compliance with all of the following characteristics and limitations:

- A. Is operated only after having received a zoning compliance permit from the Zoning Administrator pursuant to § 220-16-2.
- B. Is operated in its entirety within the dwelling and not within a garage or accessory building located on the premises.

- C. Is only conducted by the person or persons living within the dwelling and by no others.
- D. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
- E. The occupation conducted therein is clearly incidental to the residential use of the building.
- F. No goods or services are sold from the premises which are not strictly incidental to the principal home occupation conducted therein, and there is no outdoor display of products.
- G. No services are sold or conducted upon or from the premises which would constitute a nuisance or unreasonable annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night-lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
- H. The occupation does not utilize more than 25% of the interior gross floor area of the dwelling.

HOTEL/MOTEL — A building or a series of attached, semidetached, or detached rental units providing long-term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the Planning Commission with the exception of units for use of the manager and/or caretaker.

JUNK — See "trash."

JUNKYARD — Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including paper, rags, wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete. This term includes salvage yard, dismantling yard, and any other similar land use.

KENNEL — Any land, building or structure where four or more adult dogs and/or six or more adult cats are boarded, housed, or bred.

LIMITED COMMON ELEMENTS — A portion of the common elements reserved in the master deed of a condominium subdivision for the exclusive use of less than all of the co-owners.

LIVESTOCK — Domestic animals raised or kept for any purpose, including but not limited to, cattle, sheep, hogs, horses, chickens, rabbits, ducks, goats, turkeys and geese, but excluding dogs and cats.

LOT — A parcel of land (including a “unit” within a site condominium development) adjoining a public street, or where allowed by this Chapter a private road or shared driveway, and separated from other parcels by legal description, deed, or subdivision plot; provided that the owner of contiguous lots or portions of lots in the same ownership may have as many of the contiguous lots considered as a single lot for the purpose of this Chapter as the owner chooses, or as may otherwise be lawfully required to render the property buildable in conformance with this Chapter [see “Lot, Zoning (Zoning Lot)”].

LOT AREA — The total horizontal area included within the lot lines. Where the front lot line is the center line of a street, or where a portion of a lot lies within a street right-of-way, the lot area calculated to meet the requirements of this chapter shall not include the area of the street right-of-way. For purposes of this definition a “street” includes a lawful private road/shared driveway.

LOT, CORNER — A lot whose lot lines form an interior angle of less than 135° at the intersection of two street lines. A lot abutting a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°. For purposes of this definition a “street” includes a lawful private road/shared driveway.

LOT COVERAGE — The amount of a lot, stated in terms of percentage of lot area, that is covered by all roofed buildings and/or structures located thereon, including all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or not fully roofed; but not including structural fences or hedges used as fences, walls, or swimming pools.

LOT LINE — A boundary line of a lot; or, where applicable, a street right-of-way line. For purposes of this definition a “street” includes a lawful private road/shared driveway.

LOT LINE, FRONT —

- A. Where a lot abuts only one public street, or lawful private road/shared driveway, the front lot line shall be the line separating the lot from the right-of-way of the street or lawful private road/shared driveway; except where a lot has frontage on a lake, river, or other navigable waterway, the front lot line shall be the boundary line abutting the water.
- B. In the case of a corner lot, or a lot that otherwise has frontage on more than one public street, the front lot line shall be the right-of-way line of the street from which primary access to the principal building is provided or is proposed to be provided, or the right-of-way of the street with which the principal building is most directly associated/facing or is proposed to be most directly associated/facing; except where a lot has frontage on a lake, river, or other navigable waterway, the front lot line shall be the boundary line abutting the water.

LOT LINE, REAR — Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

LOT LINE, SIDE — Any lot line not a front or rear lot line.

LOT OF RECORD — A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH — The horizontal distance between side lot lines measured at both the front lot line and the building line, on a line parallel to the street (or, where applicable, a lawful private road/shared driveway).

LOT, ZONING (ZONING LOT) — Two or more contiguous lots or portions of lots in the same ownership, where the grouping of such lots for zoning purposes is allowed or required by this Chapter. In such instances the outside perimeter of the group of lots/portions of lots shall constitute the lot lines of the resulting 'zoning lot'.

MARIHUANA — That term as defined in the Michigan Regulation and Taxation of Marihuana Act (MRTMA).

MARIHUANA BUSINESS — Any of the following terms as further defined herein: marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, medical marihuana grower, medical marihuana safety compliance facility, medical marihuana processor, medical marihuana provisioning center, and medical marihuana secure transporter. This term is synonymous with the term "marihuana establishment", except this term does not include any type of marihuana business under the MRTMA or MMFLA that is not specifically included in this definition; and is also not intended to include any land use or activity that is subject to a "special license" issued by the State pursuant to R 420.21 of the Michigan Administrative Code. Further, no provision of Chapter 220 pertaining to a "temporary event" (such as §220-17-3.E.) is intended to apply to any type of marihuana business/marihuana establishment or related event.

MARIHUANA GROWER — A location where a licensee under the MRTMA lawfully cultivates marihuana and sells or otherwise transfers marihuana to marihuana establishments, where the licensee is authorized to grow not more than the following number of marihuana plants under the indicated license class for each marihuana grower license the marihuana grower holds in that class:

- Class A---100 marihuana plants.
- Class B---500 marihuana plants.
- Class C---2,000 marihuana plants.

Note: for the purpose of this definition only mature marihuana plants are included in the plant count.

MARIHUANA MICROBUSINESS — A location where a licensee under the MRTMA lawfully cultivates not more than 150 marihuana plants; processes and packages marihuana; and sells or otherwise transfers marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MARIHUANA PROCESSOR — A location where a licensee under the MRTMA lawfully obtains marihuana from marihuana establishments; processes and packages marihuana; and sells or otherwise transfers marihuana to marihuana establishments.

MARIHUANA RETAILER — A location where a licensee under the MRTMA lawfully obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY — A location where a licensee under the MRTMA lawfully tests marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER — A location of the primary place of business for a licensee under the MRTMA to lawfully obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MEDICAL MARIHUANA GROWER — A location where a licensee under the MMLFA lawfully cultivates, dries, trims, or cures and packages marihuana for sale to a medical marihuana processor, medical marihuana provisioning center, or another medical marihuana grower, where the licensee is authorized to grow not more than the following number of marihuana plants under the indicated license class for each medical marihuana grower license the medical marihuana grower holds in that class:

- Class A--- 500 marihuana plants.
- Class B---1,000 marihuana plants.
- Class C---1,500 marihuana plants.

Note: for the purpose of this definition only mature marihuana plants are included in the plant count.

MEDICAL MARIHUANA PROCESSOR — A location where a licensee under the MMFLA lawfully purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a medical marihuana provisioning center or another medical marihuana processor.

MEDICAL MARIHUANA PROVISIONING CENTER — A location where a licensee under the MMFLA lawfully purchases marihuana from a medical marihuana grower or medical marihuana processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers, and includes any commercial property where marihuana is lawfully sold at retail to registered qualifying patients or registered primary caregivers.

MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITY — A location where a licensee under the MMFLA lawfully takes marihuana from a medical marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

MEDICAL MARIHUANA SECURE TRANSPORTER — A location where a licensee under the MMFLA lawfully stores marihuana and transports marihuana between medical marihuana facilities for a fee.

MMFLA — The Medical Marihuana Facilities Licensing Act, MCL 333.26421-333.26430, including such amendments of same as may be made from time-to-time.

MOBILE HOME — A movable or portable non-motorized dwelling constructed to be towed on its own chassis to a development site and connected to utilities and a permanent foundation for occupancy as a single-family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

MOBILE HOME PARK — A parcel or tract of land upon which three or more mobile homes are located on a continual nonrecreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle park.

MRTMA — The Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951-333.27967, including such amendments of same as may be made from time-to-time.

NATURAL FEATURES — Existing land forms, indigenous vegetation, water bodies, wetlands, wildlife habitat and vistas.

NONCONFORMING LOT OF RECORD (SUBSTANDARD LOT) — A lot lawfully existing at the effective date of this chapter, or affecting amendment, and which fails to meet the minimum frontage or area requirements of the zoning district in which it is located.

NONCONFORMING STRUCTURE — A structure, or portion thereof, lawfully existing at the effective date of this chapter, or affecting amendment, and which fails to meet the minimum yard setback requirements or other applicable regulations of the zoning district in which it is located.

NONCONFORMING USE — A use lawfully existing in a building or on land at the effective date of this chapter, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

ON-FARM BIOFUEL PRODUCTION FACILITY (TYPE I) — A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.

- D. The facility meets all otherwise applicable setback requirements.
- E. At least 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
- F. At least 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.

ON-FARM BIOFUEL PRODUCTION FACILITY (TYPE II) — A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.
- E. Less than 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
- F. Less than 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.

ON-FARM BIOFUEL PRODUCTION FACILITY (TYPE III) — A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
- B. The facility has a designed annual production capacity of at least 100,000 gallons but not more than 500,000 gallons of biofuel.
- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.

OPEN-AIR BUSINESS — Any of the following types of land uses, or where sales or storage of goods or equipment incidental thereto occurs in whole or in part outside a fully enclosed building:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

- B. Retail sale of fruits and vegetables (not including a Roadside Stand as defined and otherwise allowed by this chapter).
- C. Tennis courts, archery courts, shuffleboard courts, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- D. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sales, rental or repair services.
- E. Sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.
- F. Any other similar business.

OPEN SPACE PRESERVATION DEVELOPMENT — A residential development of land arranged and developed so as to preserve not less than 50% of the adjusted parcel area in permanent open space.

PARCEL — A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this chapter, and having its frontage on a public or private street.

PARK — Land owned by a unit of government, open to the public, for traditional active and passive outdoor recreational uses, including nature trails, picnic facilities with or without shelters, playgrounds, rest room facilities, soccer fields, and baseball diamonds. Public parks are not intended to include activities, facilities or structures for which admission is charged, although admission may be charged to the park itself. However, this term does not include linear recreation areas such as "rails to trails" or similar land uses.

PARKING AREA, SPACE OR LOT — An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

PERMITTED USE — A use which by virtue of being designated as a "permitted use" in a zoning district is recognized as a use of land and buildings which is sufficiently harmonious with other uses allowed within the same district as to not require special or extraordinary controls or conditions.

PRINCIPAL OR MAIN USE — The primary or predominant use of a lot.

RECREATIONAL USES — For the purposes of an open space preservation development, "recreational uses" shall mean walking and hiking trails, picnic areas, wildlife preserves, children's play areas, greenways and linear parks.

RECREATION VEHICLE — A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. This term includes folding campers, truck-mounted campers, and motor homes, but does not include mobile homes.

RESIDENTIAL DISTRICT (OR ZONE) — The CR Country Residential District, MDR Medium Density Residential District, HDR High Density Residential District, MHC Mobile Home Community District, and any other subsequently established zoning district which includes R in its title code or “Residential” in its name.

ROAD FRONTAGE — The length of the lot line which borders a public street, or where applicable, a lawful private road/shared driveway.

ROAD OR STREET, PRIVATE — See § 220-17-13.

ROAD OR STREET, PUBLIC — See definition of “Street” in this section.

ROADSIDE STAND — A temporary or permanent building or structure used by the owners/occupants of the property for the purpose of selling produce grown on the premises.

RURAL AND SCENIC EASEMENT — A common area within a condominium subdivision or a permanent easement granted to the Township or an approved conservancy for the perpetual preservation of a natural area along a public street.

SHOPPING CENTER — A group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking area and storage facilities.

SIGN — See § 220-18-3 for defined terms relating to signage.

SITE CONDOMINIUM PROJECT OR SUBDIVISION — A place or project consisting of not less than two units established in conformance with the Michigan Condominium Act, PA 59 of 1978, as amended. (Editor’s Note: See MCL § 559.101 et seq.)

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS) – Equipment that converts energy from the wind into useable forms of electrical power primarily intended to reduce consumption of utility-generated power by the occupants of the premises on which the system is located (rather than being primarily intended to generate power for the utility grid serving other premises), and includes any base, blade, foundation, generator nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

SPECIAL LAND USE — A use which by virtue of being designated as a “special land use” in a zoning district is recognized as possessing characteristics sufficient to require prior Planning Commission review and approval pursuant to specified standards to determine whether the use can be sited on specific property in a manner consistent with the public health, safety, and general welfare, and without adversely affecting other existing land uses.

STREET — A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley, and constructed according to the standards and specifications of the Barry County Road Commission or MDOT.

STRUCTURE — Anything constructed or erected and having a permanent location on the ground or attachment to something having a permanent location on/in the ground.

STRUCTURAL CHANGES OR ALTERATIONS — Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

SWIMMING POOL — Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than 24 inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

TEMPORARY BUILDING OR USE — A structure or use permitted to exist during periods of construction of the main use or for special events, and otherwise subject to applicable provisions of this Code, including § 220-17-3.

TEMPORARY EVENT — A use of land and/or a building/structure for a commercial or non-commercial activity or event of a temporary nature, incidental to a permissible principal use of the subject property, but not necessarily customarily associated with such principal use, and otherwise subject to § 220-17-3 E. of this Code.

TOWNHOUSE — A building consisting of five or more attached single-family dwellings.

TRASH — The terms "trash," "litter," and "junk" are used synonymously and include the following: used articles or used pieces of: iron, scrap metal, vehicle bodies or parts of machinery or junked or discarded machinery, abandoned watercraft, used lumber which may be used as a harborage for rats, ashes, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, pallets, tires, abandoned or unused swimming pools and all other articles customarily considered trash or junk and which are not housed in a building.

UNDEVELOPED STATE — A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state shall not include a golf course, but may include a recreation trail, picnic area, children's play area, greenway, or linear park.

UTILITY-SCALE SOLAR ENERGY ELECTRICITY GENERATING FACILITY — A facility comprised of multiple ground-mounted photovoltaic energy collector panels and associated structures/equipment designed and intended to generate electrical energy exclusively for a public utility power grid (and for the facility itself).

VARIANCE — A varying or relaxation of a dimensional or other non-use requirement of this chapter by the Zoning Board of Appeals.

WETLAND, REGULATED — Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:

- A. Contiguous to an inland lake or pond, or a river or stream.
- B. Not contiguous to an inland lake or pond, or river or stream, but more than five acres in area.
- C. Not contiguous to an inland lake or pond, or a river or stream, but five acres or less in area, if the State of Michigan has determined that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction, and has so notified the owner of the subject property.

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE — A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-support lattice tower, guyed tower, water tower, utility pole, or building; provided that for purposes of this chapter this term shall not include any tower or other support structure under 50' in height that is owned and operated by a federally-licensed amateur radio station operator or that is used exclusively for receive-only antennas. A tower or other structure within the scope of this definition shall not be considered to be "Essential Services" for purposes of this chapter, as that term is defined in this section.

YARD — A general term applied to the space on a lot, which contains a building or structure or group of buildings/structures, lying between the building/structure or group of buildings/structures and the nearest respective lot line facing each building/structure:

- A. **Front Yard:** An open space extending across the full width of a lot between the front lot line and the building setback line. The depth of such yard shall be the shortest horizontal distance between the front lot line and the building setback line, measured at right angles.
- B. **Rear Yard:** An open space extending across the full width of a lot between the rear lot line and the nearest line of a building, porch or other projection thereof. The depth of such yard shall be the shortest horizontal distance between the rear lot line and the nearest point of the building or projection thereof.
- C. **Side Yard:** An open space extending on each side of the lot from the required front yard to the required rear yard. The width of such yard shall be the shortest distance between the side lot lines and the nearest point of a building, porch or other projection thereof.

YARD, REQUIRED SIDE-REAR-FRONT: An open space adjacent to a lot line, on the same land with a building or structure or group of buildings/structures, lying in the area between the building/structure or group of buildings/structures and the nearest lot line, and which is unoccupied and unobstructed from the ground upward for the minimum distance and depth/width prescribed in this Chapter, except as otherwise provided in this Chapter.

ZONING ACT — The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, or its predecessor, the Township Zoning Act, Public Act 184 of 1943, as amended. (Editor's Note: amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. The Township Zoning Act was in effect in 1996 when the Zoning Ordinance was originally adopted, but was repealed and replaced by the Michigan Zoning Enabling Act, effective July 1, 2006. The new act is found at MCL § 125.3101 et. seq.)

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