

Article 2 Definitions

SECTION 2.1- USE OF TERMS

For the purposes of this Ordinance:

- A. The particular shall control the general;
- B. Words used in the present tense shall be deemed to include the future tense;
- C. Words in the singular number shall be deemed to include the plural and words in the plural shall be deemed to include the singular;
- D. Words of gender shall include all genders;
- E. The word “person” shall include a firm, partnership, association, trust, company or corporation, as well as an individual;
- F. The words “use” or “used” shall be deemed to include the words “intended, arranged or designed for use” or “intended, arranged or designed to be used” or “intend and arrange or design for use”;
- G. The word “used or occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”;
- H. The word “required” shall mean required by the provisions of this Ordinance;
- I. The word “shall” is mandatory and not discretionary;
- J. The word “may” is permissive;
- K. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either/or,” the conjunction shall be interpreted as follows:
 - 1. “and” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “or” or “either/or” indicates that all the connected items, conditions, provisions, or events may apply singly or in any combination.
- L. Any word or term not defined herein shall be interpreted within its common and approved use.

SECTION 2.2- DEFINITIONS – A

Accessory Use. A use normally incidental and subordinate to the principal use of the lot or principal building.

Accessory Building. A building or structure, the use of which is normally incidental and subordinate to the principal use of the lot or principal building.

Adult Foster Care Home - Pursuant to Michigan Act 218 of the Public Acts of 1979 as amended means a governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult Foster Care Homes shall not include nursing homes.

Agricultural Operation, Bona Fide. The land, buildings and machinery used in the commercial production of farm products, defined by the Michigan Department of Agriculture as any one (1) of the following:

- (a) A farm of 40 or more acres, in one (1) ownership, which has been devoted primarily to an agricultural use.
- (b) A farm of five (5) acres or more in one (1) ownership, but less than 40 acres, devoted primarily to an agricultural use, which has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- (c) A farm designated by the department of agriculture as a specialty farm in one ownership, which has produced a gross annual income from an agricultural use of \$2,000.00 or more.
- (d) Parcels of land in one (1) ownership which are not contiguous, but which constitute an integral part of farming operation being conducted on land otherwise qualifying as farmland.

Agriculture Related Products. Agricultural and horticultural products that are raised or produced by a bona fide agricultural operation and offered for sale to the general public, such as: food products; baked goods; ice cream and ice cream-based desserts and beverages; locally produced wine and/or hard cider in compliance with state regulations; Christmas trees and similar items; as well as souvenirs, gifts, clothing and similar items that promote agriculture and farmland preservation.

Alley. Any dedicated public way other than a street that provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations. Any modification, additions or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing the height; or the moving from one location to another.

Animal, Domesticated (Pet). An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, including by way of example: bird (caged); fish; rodent (bred, such as a gerbil, rabbit, hamster or guinea pig); cat (domesticated); lizard (non-poisonous); and dog. Animals bred, raised or boarded for commercial purposes are not considered pets.

Animal, Non-Domesticated, Vicious or Exotic. Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Also an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.

Apartment. A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple-family dwelling intended or designed for use as a residence by a single family.

Assisted Living Facility. A building, establishment, complex, or distinct part thereof which:

- A. Accepts primarily aged persons for domiciliary care, not nursing or medical care.
- B. Provides on-site to its residents in addition to the residential unit, meal service in a community dining facility and non-medical personal care services appropriate to the resident's respective needs.
- C. Other than supervision of self-medication, medical services are not a service provided by the facility.
- D. Provides linkages with hospitals, community services and makes transportation available.
- E. For purposes of this Ordinance, an assisted living facility shall be distinct from an Adult Foster Care Home (defined in this Article) and shall not be part of a single family residence.
- F. An assisted living facility is a type of dependent care facility, although the level of assistance is less than that of a nursing or convalescent facility.

Athletic Field. An athletic field, ball field, diamond, or other similar outdoor physical recreation facility intended for use by teams of participants.

Attached Housing. A building containing two (2) or more attached single-family residences or dwellings.

Attached Wireless Communications Facilities. Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

Auditorium. An auditorium, amphitheater, assembly hall, theater, and other similar facilities where patrons are primarily spectators to activities within an indoor or indoor/outdoor facility.

SECTION 2.3- DEFINITIONS – B

Bank. Financial institutions including banks, credit unions, savings and loans associations and similar uses.

Banquet Facility. See Conference Center/Banquet Facility.

Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement. A story having part, but not more than one-half (2) of its height below finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes.

Bed and Breakfast. A single family residential structure that has four (4) or fewer sleeping rooms, including sleeping rooms occupied by the owner, one (1) or more of which are available for rent to transient tenants, and where one (1) or more meals are provided daily to its transient tenants.

Bed and Breakfast Inn. A single family residential structure that has five (5) or more sleeping rooms, including sleeping rooms occupied by the innkeeper, one (1) or more of which are available for rent to transient tenants, and where one (1) or more meals are provided daily to its transient tenants.

Billboard. An outdoor sign, display, painting, drawing, message, placard, poster, or other device used to advertise, promote, direct, or provide information or identification for a service, business, or industrial use or product located on another site.

Boat House. An enclosed structure designed for the use and storage of private boats and marine equipment.

Boat Livery. Any structure, site or tract of land utilized for the storage, servicing or rental of boats and for the sale of hunting and/or fishing tackle, equipment, boats, etc.

Buffer. A strip of land identified in this Ordinance established to lessen the visual, noise, or other impacts associated with certain uses.

Building. Any structure designed or built for the support, enclosure, shelter or protection of persons, animals or property of any kind.

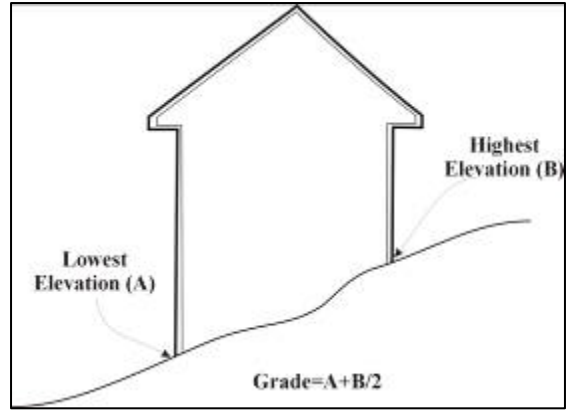
Building Area. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building, Existing. A building or structure existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

Building Lines. A line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located.

Building, Principal. A building in which is conducted the main or principal use of the lot on which it is located.

Building Height. The vertical distance measured from the ground/grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs. For substantially uneven ground (see Grade definition), building height shall be determined based on the average elevation of the ground/grade adjacent to each wall of the building.



Buildings, Semi-Detached. Two (2) adjacent buildings essentially independent of each other, having a common (double) sidewall.

SECTION 2.4- DEFINITIONS – C

Campground - Any parcel or tract of land under the control of any person where in sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters as defined by Michigan's Public Health Code, 1978 PA 368, as amended and its administrative rules.

Cellar. A story having more than one-half (2) of its height below the average finished level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement in stories.

Child Care Center.

- A. A facility, other than a private residence, receiving one (1) or more preschool or school age child for care for periods of less than twenty four (24) hours a day and where the parents or legal guardians are not immediately available to the child. A child care center shall include any facility providing care for two (2) or more consecutive weeks, regardless of the number of hours of care per day. A child care center may also be called a day care center, day nursery, nursery school, parent cooperative preschool, play-group, or drop-in center.
- B. The following shall not be considered a child care center: an instructional class or period of care that is provided by a religious organization for children for the following time periods:
 - 1. Up to three (3) hours per day for an indefinite period; or
 - 2. Up to eight (8) hours per day for less than four (4) weeks during a twelve (12) month period; or

3. Short periods of time while persons responsible for the children are attending religious services.

Clinic. A professional office where human patients are admitted for examination and treatment by one (1) or more physicians, dentists, psychiatrists or other licensed health practitioners, but excluding overnight treatment such as that commonly found in a hospital.

Clinic/Hospital, Veterinary. An establishment in which animals are examined and treated for medical problems by one (1) or more veterinarians, including keeping animals overnight for medical purposes.

Club. An organization catering exclusively to members and their guests, or premises and buildings for recreation, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandising, vending, or commercial activities except as required incidentally for the membership and purposes of such club.

Cluster Development/Open Space Preservation. A development project approved under Article 10, or as otherwise authorized by this Ordinance, whereby dwellings are confined to portions of the development parcel, and open space tracts are preserved with the intent to lessen impacts on the visual and natural environment and more efficiently use land. Residential and other uses may be included in a cluster development as permitted in this Ordinance.

Colocation. The location by two (2) or more providers of wireless communication facilities on a common structure, tower, or building, for the purpose of reducing the overall number of structures required to support wireless communication antennas within the community.

Commercial Parking Lot. A lot which is used for the storage of motor vehicles and is not accessory to any other use on the same lot or any other lot and contains parking space rented to the general public or reserved for individuals by the hour, day, week or month.

Commercial Use. The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services, or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during any one (1) twelve (12) month period.

Community Cultural Center. Private or public community cultural center, museum, and similar uses, primarily indoors but may include outdoor cultural activities within the overall facility.

Community Park. Larger multipurpose parks that serve the entire community.

Community Recreation Center. Community recreation center, skate rink/park, fitness/health center, YMCA and similar uses where multiple physically involved activities can take place concurrently, primarily indoors but may include outdoor activities within the overall facility.

Community Supported Agriculture. A model of food production, sales, and distribution in which there is a direct link between the small farm and local community members who consume the goods from the farm. The goal is to reduce the financial risks involved for the farmers, which enables farmers to increase the quality of food and care given to the land and benefits the whole community.

Condominium. A form of ownership including site condominiums in which ownership of a dwelling unit (or nonresidential unit, in the case of a nonresidential condominium project) in a multi-unit building or development, and ownership of a proportionate interest in the common elements of the development. Condominium owners generally pay a monthly maintenance fee or charge for the cost of administering and maintaining the common elements. Condominiums are established and approved in conformance with the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended.

Condominium Act. Michigan Public Act 59 of 1978, as amended.

Condominium Bylaws. The required set of bylaws for the condominium or site condominium project attached to the master deed.

Condominium Common Elements/Area. The portions of the condominium or site condominium project other than the condominium units.

- A. **General Common Elements/Area.** The common elements other than the limited common elements.
- B. **Limited Common Elements/Area.** The portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- C. **Building Envelope.** The portion of a limited common element reserved for the footprint of dwelling unit for the exclusive use and occupation of the site condominium unit owner.

Condominium Documents. A set of documents consisting of a master deed, recorded pursuant to the Condominium Act, and any other instruments referred to in the master deed or bylaws which affect the rights and obligations of a co-owner in the condominium or site condominium project.

Condominium Lot(s). That portion(s) of a single-family detached condominium or site condominium project designed and intended for separate ownership interest and/or exclusive use, to function similarly to a platted subdivision lot for the purposes of determining minimum yard setback requirements and other requirements set forth within this Ordinance. The condominium or site condominium lot may include the condominium unit and additional limited common element, but does not include any general common elements, including easements for roadways.

Condominium Master Deed. The condominium document recording the condominium or site condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium or site condominium subdivision plan for the project.

Condominium Manufactured Home Project. A condominium or site condominium project in which manufactured homes are intended to be located upon separate sites which constitute individual condominium units.



Condominium Unit. That portion of the condominium or site condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, business, industrial, recreational, use as a time-share unit, or any other type of use.

Conference Center/Banquet Facility. A multipurpose facility whose primary purpose is to accommodate meetings, seminars, social and civic events, and conferences. The facility may offer a total meeting environment which typically consists of meeting rooms, conference rooms, and catering uses that comprise continuous space. A conference center may include lodging facilities. A hotel/motel with at least ten thousand (10,000) square feet of conference room facilities shall also be considered a conference center. Accessory uses may include dining areas, recreational facilities, and specialty shops that cater to conference center guests.

Conservation Uses. Includes conservancies, nature preserves, educational campgrounds for nonprofit organizations, trail ways, and similar uses.

County. Leelanau County, Michigan.

SECTION 2.5- DEFINITIONS – D

Deck. A platform, commonly constructed of wood, which is typically attached to or adjacent to a dwelling and which is typically used for outdoor leisure activities.

Dependent Care Facility. Facilities designed for persons who need a wide range of health and support services, including nursing care. This may include a nursing home, convalescent home, congregate care facility, dependent housing facility, assisted living, etc.

Development. Any activity requiring a land use permit pursuant to Section 15.3 of this Ordinance.

District. A portion or portions of the township for which the zoning regulations governing the use of buildings and premises, the size of yards, and the intensity of use are uniform.

Drive-In Business. A business establishment that by design, physical facilities, service or by packaging procedure encourages or allows customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles on the site of the establishment.

Drive-Through Business. A business establishment that by design, physical facilities, service or by packaging procedures, encourages or allows customers to receive services or obtain goods while remaining in their motor vehicles for use off the site of the establishment.

Drive-In Restaurant. A business establishment or portion hereof where food and/or beverages are sold in a form ready for consumption outside the confines of the building, often in a motor vehicle on the site of the establishment.

Drive-Through Restaurant. A business establishment or portion thereof where food and/or beverages are sold in a form ready for consumption outside the confines of the building, off the site of the establishment.

Driveway. The access route from a public or private street to a garage or other designated parking area.

Dwelling. Any structure or portion thereof which is designed for or used exclusively for residential purposes containing one (1) or more dwelling units.

Dwelling, Attached Multiple Family. A building or portion thereof containing two (2) or more dwelling units and designed for, or occupied as, the home of two (2) or more families living independently of each other.

Dwelling, Single Family. A detached building, either site built or manufactured, containing one (1) dwelling unit for the purposes of housing one (1) family.

Dwelling Unit. A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

Dwelling Unit, Accessory. A structure constructed within a single family dwelling which has living facilities for one (1) individual or family separate from the primary single family dwelling and including at least, but not limited to, a kitchen, bathroom and sleeping quarters.

SECTION 2.6- DEFINITIONS – E

Eating/Drinking Establishment. Any establishment that is maintained, operated and advertised or held out to the public as a place where food and beverage are served, either for immediate consumption on the premises or for consumption off the premises.

- A. Drive-Through Restaurant. An eating/drinking establishment that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.
- B. Standard Restaurant. An eating/drinking establishment that involves either of the following:
 - 1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
 - 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.

Erected. The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

Essential Service Facility. A building or structure located on the ground and which is reasonably necessary for the furnishing of essential services.

Essential Services. The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground, surface or overhead gas, electrical, or water transmission or distribution system, collection, communication, supply or disposal system including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals and hydrants and other similar equipment and accessories in

connection therewith, but not including buildings. Wireless communication facilities and wind energy conservation systems shall not be considered essential services.

SECTION 2.7- DEFINITIONS – F

Family.

- A. A domestic family which is one (1) or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Family Day Care Home. A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Farm. The land, buildings, and machinery used in the commercial production of farm products. For purposes of this Ordinance, the following additional definitions shall apply:

- A. **Farm operation.** A condition or activity which occurs on a farm, meeting the requirements of Public Act 93 of 1981, in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- B. **Farm product.** Those plants and animals useful to human beings and include, but are not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, breeding and grazing of livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products; or any other product which incorporates the use of food, feed, fiber, or fur.

Farm Market. A permanent structure operated on a seasonal or year-around basis, that allows for agricultural producers to sell retail farm products, agriculture-related products and value-added products, services and activities directly to consumers.

Farm Vacation. A program of temporary residency on the farm premises for transient guests who pay a fee to observe or participate in the ongoing activities of an agricultural operation and learn about agricultural life.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry lands from:

- A. The complete overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.
- C. The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels, or suddenly caused by unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Hazard Area. Land which on the basis of available floodplain information is subject to a one-percent (1%) or greater chance of flooding in any given year.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM). An official map of a community on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodplain. Any land area susceptible to being inundated by water from any source. A one hundred (100) year floodplain is subject to a one percent (1%) chance of flooding in any given year.

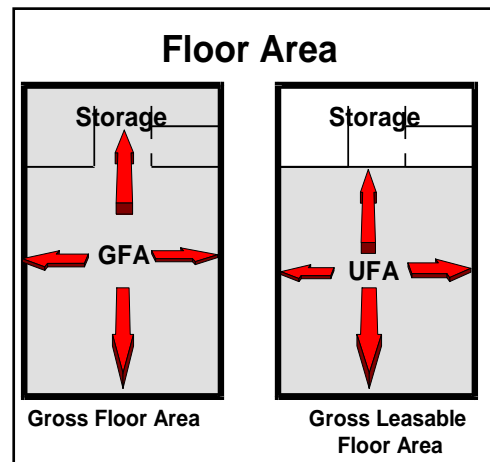
Floodway, Regulatory. The channel of any stream and any adjacent one hundred (100) year floodplain areas.

Floor Area, Gross (GFA). The total horizontal area of all the floors within the perimeter of the outside walls, including hallways, stairs, closets and interior walls.

Floor Area, Gross Leasable or Useable. The total floor area exclusive of service, storage and utility areas, and common use areas.

SECTION 2.8- DEFINITIONS – G

Garage, Residential. A building designed and used primarily for the parking and storage of passenger vehicles that are for the primary use of the residents of the dwelling in which they live. The building may be attached to or be an accessory building to the dwelling.



Gasoline Service Station. Any area of land, including any structures thereon, that is used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. For the purposes of this Ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, cleaning, or servicing such motor vehicles.

Glare, Light. The sensation produced within the visual field by luminance that is sufficiently greater than the luminance to which the eyes are adapted, causing annoyance, discomfort or loss in visual performance or visibility.

Golf Course. An area of land laid out for the game of golf, including tees, greens, fairways, practice/driving ranges, and clubhouse and other related uses such as pro shops and restaurants.

Grade. The grade shall be, in the case of level ground conditions, the level of the ground adjacent to the walls of the building. For substantially uneven ground conditions, the grade shall be the average elevation of the ground adjacent to each wall of the building.

Greenbelt. A landscaped area with grass, shrubs and/or other plantings used to achieve the goals of this Ordinance. It may include berms, and although it may be used as a screening measure, it is not necessarily intended to screen.

Group Day Care Home. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods less than 24 hours a day unattended by parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Group Housing. A residential development involving construction of a group of dwelling units, including a combination of one-family, two-family, or multiple-family dwellings on a lot, parcel, or tract of land, and containing common services or facilities.

Guest House. A room or group of rooms occupied, arranged or designed for occupancy by one (1) or more guests without charge by the residents of the primary dwelling unit. Any use of a guest house as a rental unit will be considered a violation of this Ordinance.

SECTION 2.9- DEFINITIONS – H

Home Based Business. A lawful economic activity operating primarily at a single-family residence by its occupants. Without limiting the foregoing, home based businesses include but are not limited to construction contractors, well drilling, independent trucking, small scale heavy equipment operator, landscaping services, portable sawmill, firewood sales, cabinet makers, engine repair, and farm implement repair. In no case shall it include industrial operations.

Home Occupation. A lawful economic activity for gain or support conducted by the occupants of a single family dwelling. Without limiting the foregoing, a single family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home based occupation.

Horizontal Plane, Lighting. Light rays directly extending from a light source at a horizontal plane of ninety (90) degrees.

Hotel. A building or group of buildings on the same lot, whether detached or attached, containing sleeping or dwelling units, which may or may not be independently accessible from the outside, with garage or parking spaces located on the lot and which offers lodging, with or without meals, for compensation on a transient or periodic basis. The term shall include “motels” and any building or building groups designated as motor lodges, transient cabins, rooms, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient or periodic basis.

SECTION 2.10- DEFINITIONS – I

I.G.L.D. Elevation as expressed in International Great Lakes Datum.

Impervious Surface Area. On a site, the ground area relatively impenetrable to storm water including rooftops, concrete, asphalt, and other hard surface materials.

Industrial Use. A use within tract of land that is permitted by right or special land use within the C-2 District.

Industrial/Research/Business Parks. A tract of land which has been planned and developed for multiple uses permitted by right or as special land uses within the NC, SC-1, C-1 or C-2 Districts.

SECTION 2.12- DEFINITIONS – J

Junk Yard. Any establishment or premise where worn out or discarded material is bought, kept, sold and/or stored; any premise upon which two (2) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more shall be deemed to be a “junk yard” within the meaning of this Ordinance.

SECTION 2.11- DEFINITIONS – K

Kennel. Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other domestic animals. Kennel shall also mean the keeping of five (5) or more dogs, cats or other household pets over the age of six (6) months.

Keyhole Development. (Also referred to as “lot pyramiding” or “funneling”) The use of a single waterfront lot by multiple users. Through this type of development, direct lake access is made possible to non-adjacent lake users.

SECTION 2.13- DEFINITIONS – L

Lake. A water body, including a pond, impoundment, etc. as defined by Michigan’s Part 301: Inland Lakes and Streams Act, Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

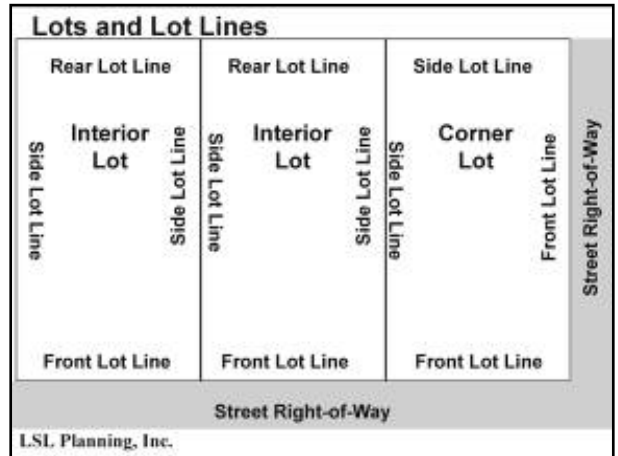
Launching Ramp, Private. A space or structure from which a boat may be launched for use and benefit of the patrons of the waterfront marina or boat yard wherein said boats are berthed or docked.

Light Shield. An opaque box or other device, which eliminates or greatly diminishes glare.

Light Source. A light bulb or other source within luminaries.

Limited-Service Restaurants. Establishments primarily engaged in providing food services (except snack and non-alcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken-out, or delivered to the customer's location.

Lot. A parcel of land having frontage along a road or right-of-way approved by the Township on which one (1) principal use and its accessory uses are located, or intended to be located, together with any open spaces required by this Ordinance. A site condominium lot shall also be considered a lot for purposes of compliance with the regulations of this Ordinance.



Lot Area. The total horizontal area within the lot lines of a lot.

Lot, Corner. A lot which has at least two (2) contiguous sides abutting upon a road for their full length. A corner lot shall have two (2) side yards, two (2) front yards, and no rear yard.

Lot Coverage. The part or percentage of the lot occupied by buildings, including accessory buildings.

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

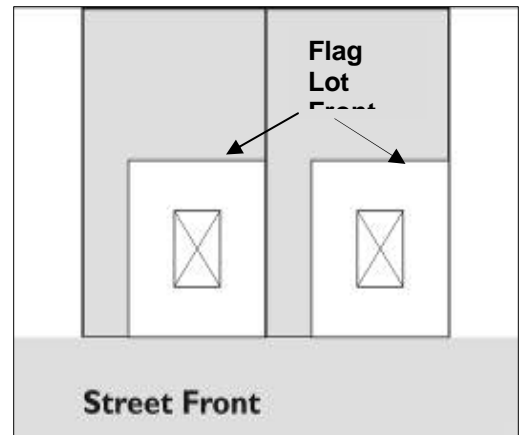
Lot, Flag. A lot characterized as having limited road frontage, usually a narrow strip of land leading to a larger land area distant from the roadway or generally any L-shaped lot. The creation of flag lots are not allowed pursuant to this Ordinance.

Lot, Interior. A lot other than a corner lot or a through lot.

Lot Lines. The lines bounding a lot herein described.

A. Lot Line, Front.

1. The lot line which is or contains the road line of the principal road or right-of-way providing access to a lot.
2. In the case of a corner lot or a through lot, both front lot lines shall be considered the front.
3. For flag lots, the front lot line shall be the line parallel and closest to the adjacent right-of-way, not including the pole portion of the flag lot.



4. A cul-de-sac front lot line shall be measured as a straight line between the side lot lines.

B. Lot Line, Rear.

1. The lot line opposite the front lot line.
2. Where there are five (5) lot lines, the two (2) lot lines generally opposite and most distant the front lot line.
3. In the case of a flag lot, the rear lot line shall be defined only as that line furthest from and generally parallel to the front lot line. See graphic.
4. Where the lot is irregularly shaped, the rear lot lines include any line not defined as the front or side lot lines.
5. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary straight line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

C. Lot Line, Side.

1. Any lot line that intersects the front lot line.
2. In the case of a flag lot, the side lot lines are all lines other than the front lot line and the line furthest from and generally parallel to the front lot line.

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 of Leelanau County; or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Leelanau County, this recording being the effective date of this Ordinance or prior thereto.

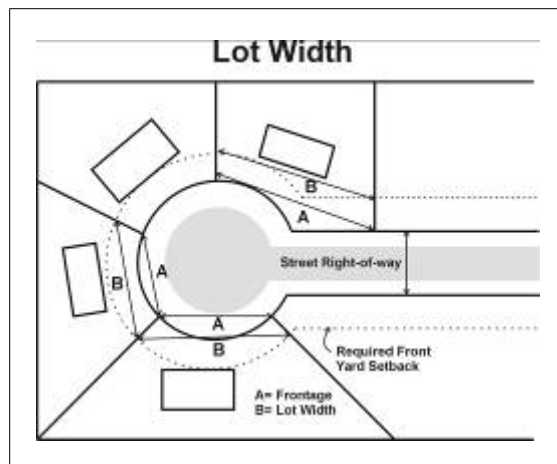
Lot, Through. A lot having two (2) opposite lot lines abutting upon a road for their full length.

Lot Width. The shortest distance between the side lot lines measured at the front right-of-way line, the front setback, or the front line of the principal building, whichever is less. Where the front lot line is not a straight line, the lot width is the shortest distance between the side lot lines measured tangent to the curve of the front right-of-way line, the front setback line, or the front line of the principal building, whichever is less.

Luminaire. An outdoor lighting fixture.

SECTION 2.14- DEFINITIONS – M

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air conditioning and



electrical systems contained in the structure. The term manufactured home shall also include mobile home.

Manufactured Home Park. A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes, mobile homes or occupied trailer coaches are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home, or the harboring or occupancy of trailer coaches, except as provided by Section 91 of Michigan Act 172 of 1970, as amended.

Marina. A boat basin which has facilities for berthing and securing three (3) or more of all types of marine craft. A public or commercial marina may also include facilities for providing supplies, provisions, services, and fueling of watercraft.

- A. Marina, Private. A marina that is used exclusively for the private use of the owner(s) of the adjacent shoreline property.
- B. Marina, Public. A marina operated by a public entity.
- C. Marina, Commercial. A marina that is privately owned and operated where berths are leased or rented to others.

Marine Related Sales/Service. An establishment used for the retail sales of marine craft and products and/or the servicing, repair, or washing of marine craft.

Master Plan. The currently adopted Elmwood Township Master Plan.

Massage Establishment. See Section 2.18.D.

Mobile Home. Means a trailer coach, a trailer or single family manufactured home or other living unit which is transported to a site as one (1) or more modules, any of which is so constructed as to permit permanent occupancy as a dwelling or sleeping place by one (1) or more persons, and the design intent of which was to be as defined by the Michigan Mobile Home Commission Act, Public Act 96 of 1987 as amended and its administrative rules. Including units licensable as “trailer coaches” under Michigan Public Act 300 of 1949, as amended and its rules.

Mobile Home, Occupied. Means a manufactured home that is being used for a dwelling or sleeping purposes.

Mobile Home Park or Trailer Coach Park. See Manufactured Home Park above.

Mobile Home or Manufactured Home Subdivision or Community. A subdivision or manufactured home community as defined by and approved under the Michigan Mobile Home Commission Act, Public Act 96 of 1987 as amended and its administrative rules, which by deed restrictions has been designated solely for occupancy by mobile or manufactured homes.

Motel. A building or group of buildings on the same lot, whether detached or attached, containing sleeping or dwelling units, which may or may not be independently accessible from the outside, with garage or parking spaces located on the lot and which offers lodging, with or without meals, for compensation on a transient or periodic basis. The term shall include “hotels” and any

building or building groups designated as motor lodges, transient cabins, rooms, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient or periodic basis.

SECTION 2.15- DEFINITIONS – N

Natural Area. Lands that place emphasis on protection of natural amenities and features.

Neighborhood Park. Neighborhood-scale parks that are intended to serve residents in the neighborhoods surrounding the park.

Nonconforming Building. Any building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform after the passage of this Ordinance or amendment thereto with the dimensional restrictions of the district in which it is situated.

Nonconforming Lot. A lot lawfully existing at the effective date of this Ordinance or amendments thereto which does not conform after the passage of this Ordinance or amendment thereto with the area, width, or other applicable provisions of the district in which it is situated.

Nonconforming Use. Any building or lot lawfully occupied by a use at the effective date of this Ordinance or amendment thereto which does not conform after the passage of this Ordinance or amendment thereto with the use requirements of the district in which it is situated.

Nonresidential Districts. A zoning district in which human habitation/residence is not the principle use. Nonresidential zoning districts herein include: C-1 General Commercial; C-2, Heavy Commercial; SC-1, Shoreline Commercial; RR, Rural Resort; and NC, Neighborhood Commercial.

Nursing Home. A licensed private or public nursing or long-term care facility which provide organized nursing care and medical treatment to unrelated individuals suffering or recovering from illness, injury, infirmity, as pursuant to Michigan’s Act 368 of the Public Acts of 1978 as amended and its administrative rules.

SECTION 2.16- DEFINITIONS – O

Official Map. A map showing by appropriate means the various districts into which the township is divided and entitled “Elmwood Charter Township Zoning Map.” The map shall bear the date adopted or amended and is hereby made a part of this Ordinance. The Official Zoning Map shall be maintained at the Elmwood Charter Township Offices by the Township Zoning Administrator.

Open Space. The area of a cluster development, or other development option, which is committed to common use, whether public or private. Open space is not necessarily undeveloped and may include a park, golf course, recreation trails, meeting hall, community swimming pool, agricultural uses, and similar uses.

Ordinary High Water Mark. For the purposes of this ordinance the ordinary high water mark of Cedar Lake shall be 592.6 feet above mean sea level, Lake Leelanau’s ordinary high water mark shall be 589.21 feet above mean sea level, and West Grand Traverse Bay ordinary high water mark 580.5 feet above mean sea level, IGLD 1985.

Overlay Zoning District. Additional permitted uses allowed in designated zoning district or within a “floating” district where specified conditions exist, subject to the overlay zoning district regulations in addition to those of the underlying zoning district.

SECTION 2.17- DEFINITIONS – P

Park. Any noncommercial public lands intended for gatherings, recreation and other primarily outdoor activities.

Parking Space. A surfaced area, enclosed in the principal building or in an accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for temporary storage of one vehicle, boat or trailer and connected with a street or alley which affords satisfactory ingress and egress for vehicles.

Personal Service Establishment. An establishment where accessory convenience goods are offered for sale and/or personal services are performed for customers. Typical uses include beauty and barbershops; coin-operated laundries; photographic studios; and news stands; etc.

Planned Shopping Center. An integrated cluster of commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit to provide for sales of commercial goods (food, drugs and sundries) and personal services.

Planned Unit Development (PUD). A land area within which development occurs which has both individual building sites and common property or “elements”, limited common property or “elements,” and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit.

Plant Nursery. A plant nursery, nursery stock grower, general nursery stock grower, nursery stock dealer, plant grower, plant dealer, small-scale plant grower, or small-scale plant dealer as defined by Michigan Public Act 189 of 1931, as amended.

Pocket Park. Smaller versions of neighborhood parks with fewer amenities, serving a smaller radius of homes.

Point of Light Source. A lighting source, direct, reflected or refracted, which produces glare.

Principal Building. The primary building in which the principal use is located.

Principal Use. The use of the property which is the main use to which the building or premises is devoted.

Professional or Business Office. Offices of private firms, service organizations, and governmental organizations which are primarily used for professional, management, or administrative services which generate light traffic, but which do not include retail sales as a primary use.

Public Nudity. See Section 2.18.F.

Public Utility. Any person, firm, corporation, municipal department, or board duly authorized to furnish, under government regulation to the public: transportation; water; gas; electricity; telephone; steam; telegraph; sewage disposal; or some other public service.

SECTION 2.18- DEFINITIONS – R

Recreational Unit - Means a tent, or vehicular-type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit shall include “travel trailer,” “camping trailers,” “motor home,” “truck camper,” “slide-in-camper,” and “chassis-mounted camper,” as defined by Michigan's Public Health Code, Act 368 of 1978, as amended and its administrative rules.

Regional Open Space. Lands that protect large areas with natural resource values of community-wide significance, and provide opportunities for nature-oriented outdoor recreation.

Residential Care Facilities.

A. Child Care. A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. These facilities shall be further defined as follows:

1. **Foster day care or family group home** is a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days in a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
2. **Foster family group home** is a private home in which more than four (4) but fewer than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
3. **Family day care home** is a private home in which at least one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
4. **Group day care home** is a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- B. **Adult Foster Care.** A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State of Michigan Public Act 218 of 1979 and rules promulgated by the State Department of Social Services. Such organizations shall be defined as follows:
1. **Adult foster care facility.** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes; homes for the aged; hospitals; alcohol or substance abuse rehabilitation centers; or a residential center for persons released from or assigned to a correctional facility.
 2. **Adult foster care family home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Residential Districts. A zoning district in which human habitation/residence is a permitted or principle use. Residential zoning districts include: A-R, Agricultural-Rural; LDR, Low Density Residential; MDR, Medium Density Residential; HDR, High Density Residential; and MHP, Manufactured Home Park. and BR, Bugai Road Corridor Overlay.

Retail Agricultural Enterprises. Uses associated with a bona fide agricultural operation, such as: community-supported agriculture, “u-pick” or pick-your-own operation, farm market, agri-tourism, winery, brewery, distillery, interpretive farm, beekeeping/honey production, maple syrup production, greenhouse, commercial hunting grounds, agricultural processing, riding stables, sales of agricultural related products, farm vacations, crafts, and similar uses.

Retail Sales. Sale of goods or commodities to ultimate consumers, as opposed to wholesale.

River or Stream. A waterway, such as creek, river, stream, etc., as defined by Michigan’s Part 301: Inland Lakes and Streams Act, Natural resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

River or Stream Bank, Normal. The bank or steep slope, which confines waters of a stream or river during normal periods of flow.

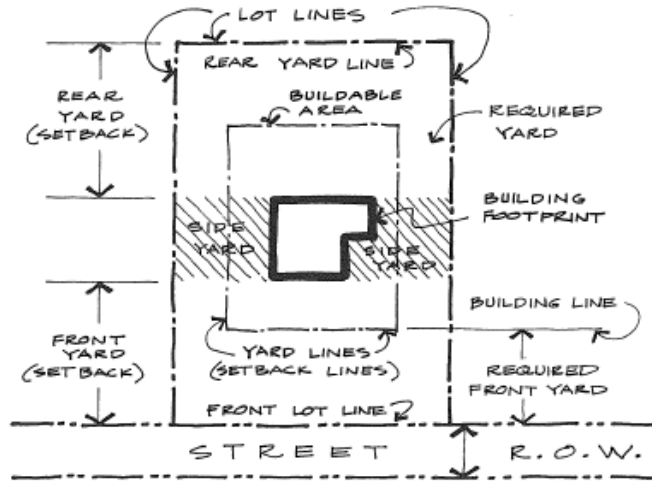
Road. See Street.

SECTION 2.19- DEFINITIONS – S

Seasonal Farm Markets or Produce Stands. Any accessory building or structure located along a roadway used or intended to be used solely for the purpose of the sale of seasonal farm products and situated upon lands used for a bona fide agricultural operation as defined in this Ordinance.

Senior Housing. A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older, or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948, or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

Setback. The minimum horizontal distance required by the zoning districts of this Ordinance. The setback shall be measured at a parallel or tangent to the appropriate lot line. Where any lot line extends into an access easement or right-of-way, the setback shall be measured from the right-of-way or easement line.



Site Condominium. A form of ownership in which ownership of a dwelling unit (or nonresidential unit, in the case of a nonresidential site condominium project) in a multi-unit development, and ownership of a proportionate interest in the common elements of the development. Site condominium owners generally pay a monthly maintenance fee or charge for the cost of administering and maintaining the common elements. Site condominiums are established and approved in conformance with the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended.

Shoreline Access. A shared access to any water body as allowed under this Ordinance.

Sexually Oriented Businesses.

- A. Adult Bookstore or Adult Video Store. A commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, any one or more of the following items:
1. Books, magazines, periodicals or other printed matter, or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs), greeting cards, or video reproductions, slides, or other visual representations or electronic media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of “specified anatomical areas” or “specified sexual activities;” or
 2. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”.
 3. A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing “specified anatomical areas” or “specified sexual activities” and still be categorized as an adult bookstore or adult video store. Such other stock in trade

will not serve to exempt such a commercial establishment from being characterized as an adult bookstore or adult video store so long as a substantial portion of the commercial establishment's stock in trade is the offering for sale or rental for consideration the specified merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".

4. The phrase "substantial portion of its stock in trade" shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:
 - a. Twenty-five percent (25%) or more of the commercial establishment's gross sales area is used for the sale of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities". For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office, and shipping areas, without deduction for corridors, display fixtures, stairways, public restrooms closets, the thickness of interior walls, columns or other features.
 - b. Twenty-five percent (25%) or more of the commercial establishment's stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".
 - c. Twenty-five percent (25%) or more of the commercial establishment's gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".
- B. Adult Cabaret. A nightclub, restaurant, or other similar commercial establishment which regularly features or displays:
 1. Persons who appear in a state of nudity; or
 2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any "specified anatomical areas" or "specified sexual activities"; or
 3. Films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs (CDs) or digital video discs (DVDs)), slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of an "specified anatomical areas" or "specified sexual activities".
- C. Adult Motion Pictures Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides, or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities". This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.

- D. Massage Establishment. Any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term “massage establishment” includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term “massage establishment” shall not include:
1. Hospitals, nursing homes, medical clinics;
 2. The office of a state-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
 3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;
 4. The establishment of a massage therapist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
 5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.
- E. Sexually Oriented Business. An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas.
- F. Public Nudity or State of Nudity. Public nudity or state of nudity means knowingly or intentionally displaying in a public place, or any other place if for payment or promise of payment by any person, including, but not limited to payment or promise of payment of an admission fee, any individual’s genitals, pubic area, vulva, anus or anal cleft with less than a fully opaque covering, a female individual’s breast with less than fully opaque covering the nipple and areola, or the covered male genitals in a discernibly turgid state. Public nudity does not include any of the following:
1. A woman’s breast-feeding an infant shall not under any circumstances constitute public nudity irrespective of whether the nipple is covered during or incidental to the feeding.
 2. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.
- G. Specified Anatomical Areas.
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

H. Specified Sexual Activities.

1. The fondling of any or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory function as part of or in connection with any of the activities set forth in (1) or (2) above.

- I. Regulatory Features. A consistent and substantial course of conduct such that the films or performance exhibited on the premises constitute a substantial or significant portion of the films or performances consistently offered as part of the ongoing business of the adult entertainment business.

Shoreline Parcel. A lot or parcel having frontage on Cedar Lake, Lake Leelanau or West Grand Traverse Bay.

Sign. Any identification, description, illustration, display, or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public, and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, balloon or temporary sign designed to advertise, identify, or convey information, with the exception of interior window displays and national, state, municipal, and institutional flags.

Special Purpose Park. Parks that serve a single or focused community need, such as an environmental education center, maritime or historic park, etc.

Sports Complexes. Parks dedicated to sports that serve the entire community, often associated with community parks.

Street or Road. A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property. Various types of streets are defined below.

- A. Arterial Street or Roadway. A street or roadway which carries high volumes of traffic at relatively high speeds and serves as an avenue for circulation of traffic onto, out of, or around the Township. An arterial roadway may also be defined as a major thoroughfare, major arterial, or minor arterial roadway. Since the primary function of the arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.
- B. Cul-de-Sac. A street or road that terminates in a vehicular turnaround.
- C. Highway. Streets and roadways which are under the jurisdiction of the Michigan Department of Transportation. Highways may also be classified as expressways or arterial roadways.

- D. Local or Minor Street. A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roadways. Local streets are designed for low volumes and speeds of twenty five (25) mph or less, with numerous curb cuts and on-street parking permitted.
- E. Private Road. Any road or thoroughfare for vehicular traffic which is to be privately owned and maintained and has not been accepted for maintenance by the Township, County, the State of Michigan or the federal government but which meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance.
- F. Public Street. Any road or portion of a road which has been dedicated to and accepted for maintenance by the County, State of Michigan, or the federal government.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, including, but not limited to, advertising signs, fences, and swimming pools. Structure shall not include sidewalks, boardwalks, and decks that are flush with the ground (with no more than the floorboards above the finished grade).

Swimming Pool. Any structure, as stand alone or part of a public or private recreation facility, designed and constructed for the purpose of swimming or bathing that contains water over 24 inches deep and has over 100 square feet of surface area.

SECTION 2.20- DEFINITIONS – T

Township. Charter Township of Elmwood, Leelanau County, Michigan.

- A. Planning Commission. The Planning Commission of the Township.
- B. Township Board. The Township Board of Trustees of the Township.
- C. Zoning Administrator. The individual or individuals appointed by the Township Board to carry out the administrative and enforcement provisions of this Ordinance.
- D. Zoning Board of Appeals, Board of Appeals, or Board. The Zoning Board of Appeals of the Township.

Trailer Coach. See “Manufactured Home” and “Mobile Home” as defined herein.

Travel Trailer. Refer to “Recreational Unit” as defined herein.

Travel Trailer Park. Refer to “Campground” as defined herein.

SECTION 2.21- DEFINITIONS – U

Undeveloped Parkland. Publicly owned land reserved and intended for future park development.

Use, Existing. A use of premises, buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of the Ordinance or any amendment

thereto.

SECTION 2.22- DEFINITIONS – V

Variance. Any modification of the provisions of this Ordinance.

- A. Variance, Dimensional or Area. A modification to dimensional regulations and requirements of this Ordinance authorized by the Zoning Board of Appeals where a practical difficulty exists on the property.

Vehicle. A form of transport designed to move persons or products from one place to another.

Vehicle Dealership. A building or premises used primarily for the sale of new or used automobiles, recreational vehicles, and other motor vehicles, but not including marine related sales. The dealership may include outdoor display and accessory indoor maintenance and repair.

Vehicle Repair Establishment, Major. An automotive repair establishment which may perform, in addition to activities defined below as “minor repairs,” one (1) or more of the following: general repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles; major overhauling of an engine requiring removal of the cylinder head or crankcase pan; recapping or re-treading of tires; steam cleaning; and similar activities.

Vehicle Repair Establishment, Minor. An automotive repair establishment that performs maintenance and minor repair, including one (1) or more of the following: oil change; tire and brake service; exhaust system repair; glass repair; and audio and alarm installation.

Vehicle Service. A facility used for the retail sales of motor fuels and/or the servicing, repair or washing of automobiles, including as accessory uses the sale and installation of lubricants, tires, batteries, and similar automotive products.

Vehicle Washing Facility. A building containing one (1) or more stalls where the customer either washes the vehicle using high pressure water or drives the vehicle through an automatic washing device. Vacuum cleaners may be available for customer use.

Viewshed. An area composed of land, water, biotic, and cultural elements which may be viewed from the roadway and which has inherent scenic qualities and/or aesthetic values as determined by those who view it.

SECTION 2.23- DEFINITIONS – W

Warehousing. The indoor storage of goods and materials, usually in association with the operations of a wholesale or retail operation.

Warehousing, Mini. A commercial venture which rents individual cubes of space for storage purposes. Individuals typically have joint access to the lot but possess individual access and keys to their respective units. Also known as self-storage units.

Water’s Edge, also Waterfront. The surveyed property line along the shore of a body of water or the ordinary high water mark elevation, also see Section 3.24, Ordinary High Water Mark.

Wetland. 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 a river or stream, and more than five (5) acres in size;
- C. not contiguous to an inland lake or pond, or a river or stream, and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

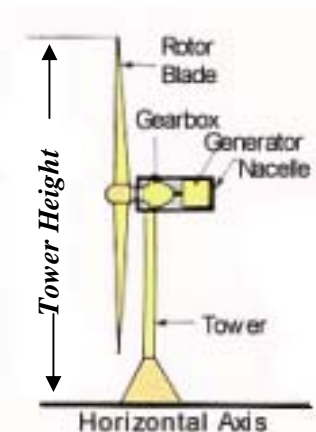
Wholesale. The sale of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Wind Energy Conversion System (WECS). An aggregation of components and accessory equipment designed to convert wind power into mechanical or electrical energy.

- A. WECS shall mean a combination of:
 - 1. A surface area, either variable or fixed, for utilizing the wind for electrical power.
 - 2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device.
 - 3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy.
 - 4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- B. Commercial WECS. WECS designed or operated to provide energy principally to consumers located off the premises or for sale to a utility.
- C. Noncommercial WECS. WECS incidental and subordinate to a permitted use on the same parcel that are designed to supply electrical power primarily for on site use.

WECS Tower Height. The height of a WECS measured from the ground to its highest point.

- A. Horizontal Axis Wind Turbine Rotors. The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades.
- B. Vertical Axis Wind Turbine. The distance between the ground and the highest point of the WECS.



Winery. An agricultural establishment for the growing, processing, bottling, and selling of wine or other fermented fruit beverage.

Wireless Communication Facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers; television towers; telephone devices and exchange; microwave relay towers; and/or telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave facilities; ham amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

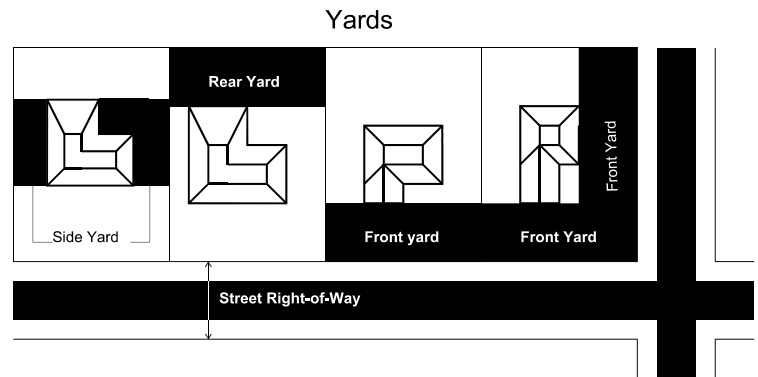
Wireless Communication Support Structures. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

SECTION 2.24- DEFINITIONS – Y

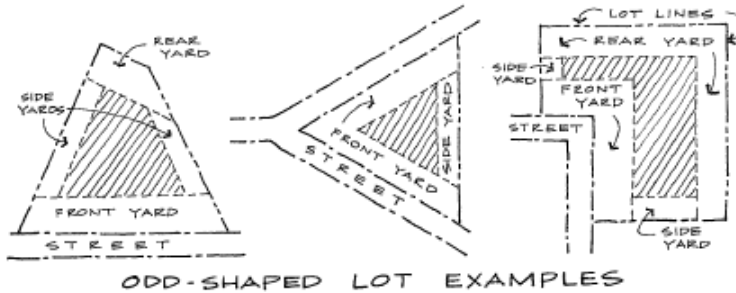
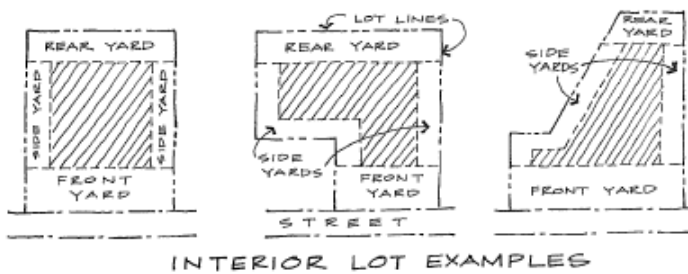
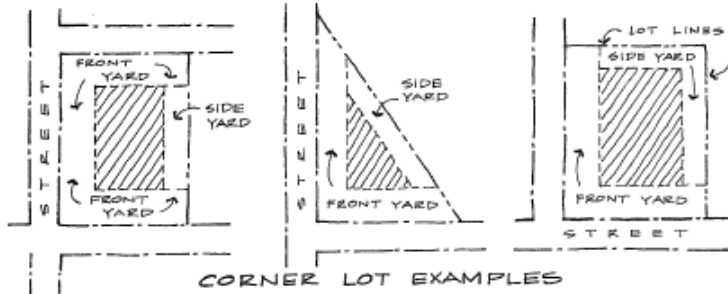
Yacht Club. A building or a portion of a building used as a meeting place for members of a social club organized for the purpose of supporting yachting and boating.

Yard. The area of any lot that is not supporting any building.

- A. Yard, Front. A yard extending across the full width of the lot between the front lot line and the nearest line of the principal building.



- B. Yard, Rear. A yard extending across the full width of the lot between the rear lot line, and the nearest line of the principal building.
- C. Yard, Side. A yard extending from the front yard to the rear yard between the side lot line



REQUIRED YARDS
 BUILDING (ZONING) ENVELOPE
 (TWO DIMENSIONAL)

and the nearest line of the principal building or accessory building.

SECTION 2.25- DEFINITIONS – Z

Zoning Act. The Michigan Zoning Enabling Act, Public Act 110 of 2006.

Zoning Map (See also Official Map). A map of Elmwood Township, which depicts the various zoning districts and their location throughout the Township, and which is a part of the Township Zoning Ordinance.