

Chapter 2 Definitions

201. Rules of Use and Construction

This chapter defines the words used in this Ordinance. The rules of construction applicable to the words used in this Ordinance are as follows:

- a. Words and phrases that are not defined in this chapter shall be defined in terms of their common or customary usage.
- b. Technical words and phrases that may have peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- c. The particular shall control the general.
- d. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- e. When it is consistent with the context, words used in the present tense shall include the future. Words used in the singular form shall include the plural, and the plural form shall include the singular.
- f. The word "person" includes any individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.
- g. The word "lot" includes the word "parcel."
- h. Where a standard or regulation involves two or more conditions, provisions, or items that are connected by the conjunction "and" or "or," then the conjunction shall be interpreted as follows:
 1. "**And**" means that all the connected conditions, provisions or items shall apply.
 2. "**Or**" means that the connected conditions, provisions or items may apply singly or in combination.

202. Definitions

(1) **Abutting (lot or parcel)**

A lot or parcel that shares a common border with the subject lot or parcel.

(2) Access management (access control)

A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

(3) Access to property, reasonable

A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operations.

(4) Accessory building

A freestanding building that is located on the same lot on which a principal use or principal building is located, and that is devoted to and occupied by a use that is incidental and subordinate to the principal use. Examples of accessory buildings include, but are not limited to, detached residential garages and sheds, boat houses, snowmobile sheds, greenhouses, guard or gate houses, and barns, including detached carports, canopies, awnings and similar structures, regardless of whether such structures are erected on a permanent or temporary basis.

(5) Accessory Structure

A freestanding structure that is located on the same lot on which a principal use or principal building is located, and that is devoted to a use that is incidental and subordinate to the principal use. Examples of accessory structures include, but are not limited to, dish and other types of antennae, fences and walls, freestanding lighting fixtures, silos and other agricultural structures, residential swimming pools, recreational vehicles, and outdoor mechanical heating devices ("outdoor furnaces").

(6) Accessory Use

A use of land that is customarily incidental and subordinate to the principal use of a lot, and that is located on the same lot on which that principal use is located.

(7) Adjacent (lot or parcel)

A lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

(8) Adult Entertainment Business

Any business, club, or other organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined elsewhere by this Ordinance, either in person or by photograph, motion picture, television, or other type of image. The definition of "adult entertainment business" includes, without limitation, "adult bookstore," "adult theater," "massage parlor," and so forth.

(9) Adult Foster Care Home

A private home licensed by the State of Michigan for the care of sick, elderly, or handicapped adults. An "Adult Foster Care Family Home" is further defined as having 6

or fewer adults, an “Adult Foster Care Small Group Home” as having 12 or fewer adults, and an “Adult Foster Care Large Group Home” as having at least 13 but not more than 20 adults. This definition does not include the care of persons released from or assigned to adult correctional institutions.

(10) Agriculture

Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

(11) Alteration

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

(12) Animal, wild

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

(13) Basement

That portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling (See Figure 2-1).

(14) Bed and Breakfast Establishment

A use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment.

(15) Berm

A mound of earth not exceeding four (4) feet in height that is graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

(16) Billboard

An outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

(17) Board of Appeals

The Swan Creek Township Zoning Board of Appeals.

(18) Buffer zone

A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

(19) Building

Any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

(20) Building height

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 2-2).

(21) Building line

A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

(22) Building, Main, (also Building, Principal) A building in which the principal or main use of the lot on which it is situated occurs.

(23) Building Setback Line

A line indicating the minimum distance required to be maintained between a street right-of-way and the nearest supporting member of any structure on the lot.

(24) Bulk Station

A place where petroleum (including liquefied petroleum gas), gasoline, naphtha, benzene, kerosene, or any other flammable liquid is stored for wholesale purposes only, and where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

(25) Certificate of Occupancy

A document issued by the Building Inspector certifying that the described property has complied with the provisions of the Building Code and may be legally occupied.

(26) Child Care Center (Day Care Center)

A facility, other than a single-family dwelling, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours per day, and where the parents or guardians are not immediately available to the children. A child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. These facilities are also known as day nurseries, nursery schools, parent cooperatives, or preschools, play group, or drop-in center.

(27) Church

A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

(28) Clinic

An establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

(29) Club

A nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

(30) Common land

A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or a planned unit development.

(31) Common open space

An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

(32) Condominium Act

Michigan Public Act 59 of 1978, as amended.

(33) Condominium project

Equivalent to "Subdivision" as used in this Ordinance.

(34) Condominium project, mobile home

A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

(35) Condominium setbacks shall be measured as follows:

Front Yard Setback: The distance between the street centerline and the unit site.

Side Yard Setback: The distance between the limits of the development and the side of a unit, or the distance between the sides of any adjacent units.

Rear Yard Setback: The distance between the limit of the development and the rear of the unit, or the distance between the rears of any two adjacent units.

(36) Condominium subdivision plan

The site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

(37) Condominium unit

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

(38) Condominium unit site

The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

(39) Construction

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

(40) Convenience store with gasoline sales

An establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

(41) Crematory (Also "crematorium")

A licensed facility where deceased human bodies are consumed by incineration and the ashes collected for burial or storage elsewhere.

(42) Cul-de-sac

A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

(43) Dangerous Building

Any building or structure, residential or otherwise, that has any of the following defects or conditions:

- a. Whenever any portion has been damaged by fire, wind, flood, or by other means so that the structural strength or stability is less than the minimum requirements of the State of Michigan Building Code as administered by Swan Creek Township.
- b. Whenever any portion, member, or appurtenance is likely to fall or collapse and thereby injure persons or damage property.
- c. Whenever for any reason the building or structure is manifestly unsafe for the purpose for which it is used, as determined by the Township Building Inspector.

- d. Whenever the building or structure has been so damaged or has become so dilapidated that it creates an attractive nuisance to children or other persons who might enter the structure to their danger, or so that it creates a harbor for vagrants or criminals.
- e. Whenever the building or structure is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease when so determined by the County Health Department.
- f. Whenever any building becomes vacant, dilapidated, and open at door or window so that the interior of the building is left exposed to the elements or accessible to entrance by trespassers.

(44) Deceleration lane

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

(45) Density

The number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments, the overall maximum unit density calculations shall include wetland areas regulated by the State of Michigan and wetland areas not regulated by the State, but shall not include floodplains or surface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

(46) Detention facility

A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

(47) Development

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(48) Division

See "Land Division"

(49) Drainageways and streams

Existing permanent or intermittent water courses.

(50) Drive through business

A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

(51) Driveway

An improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, and intended to provide ingress and egress primarily for the occupants.

(52) Dwelling, multiple family

A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

(53) Dwelling, single family

A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

(54) Dwelling, two family

A building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

(55) Dwelling unit

A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

(56) Dwelling unit, attached

A dwelling unit attached to one or more dwelling units by common major structural elements.

(57) Dwelling unit, detached

A dwelling unit which is not attached to any other dwelling unit by any means.

(58) Easement

A grant of one or more of the property rights by a property owner to the public, or another person or entity.

(59) Endangered species habitat

An area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

(60) Erected

Means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill drainage and the like shall be considered a part of erection.

(61) Essential public services

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

(62) Essential public service building

A building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

(63) Essential public service building storage yard

An outdoor storage area principal or accessory to an essential public service.

(64) Excavation

Any breaking of ground, except common household gardening and ground care.

(65) Family

- a. An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit 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, non-transient, distinct domestic character and who are cooking and living as a single, non-profit 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 of other similar determinable period.

(66) Family Day Care Home

A private home in which not more than six (6) minor children 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. "Family day care home" includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

(67) 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 on a parcel that is ten (10) acres or larger in area.

(68) 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, including those activities specified in the Michigan Right to Farm Act (P.A. 93 of 1981, as amended).

(69) Fence

An accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use.

(70) Filling

The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

(71) Financial services

Establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

(72) Flood or flooding

A temporary increase in the stage of a river or stream resulting in the inundation of lands not normally covered by water.

(73) 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.

(74) Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(75) Flood Insurance Study

The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary - Floodway Map.

(76) Floodplain

The area of land area adjoining a river or stream that will be inundated by a 100-year flood.

(77) Floodway

The channel of a river or stream and the portions of the floodplain adjoining the channel that are reasonably required to carry and discharge a 100-year flood.

(78) Floor area, usable

That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

(79) Floor area, gross

The sum of the horizontal areas of each story of a building, measured from the faces of the exterior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

(80) Floor area, residential

The sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

(81) Foster care home, family

A single-family dwelling occupied as such in which one (1) but not more than four (4) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

(82) Foster care home, group

A single-family dwelling occupied as such in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

(83) Freeway Interchange

An area designed to provide for the ingress and egress of vehicular traffic to and from a freeway or other limited access highway.

(84) Frontage

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

(85) Frontage road

A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which allows

parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

(86) Garage

The part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

(87) Garden center

An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

(88) Glare

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

(89) Grade, average (mean)

The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (See Figure 2-3).

(90) Grade, finished

The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

(91) Grade, natural

The elevation of the ground surface in its natural state, before construction begins.

(92) Greenbelt

A strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

(93) 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 of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. "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.

(94) Health Care Institution

A state licensed medical establishment whose facilities provide in-patient accommodation, a wide range of medical and surgical care, and other in-patient health services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

(95) Home occupation

An occupation or profession carried on by an occupant of a dwelling unit as a secondary use that is clearly subservient to the use of the dwelling for residential purposes. Home occupations must meet the standards specified in this Ordinance.

(96) Home Sale

A sale of personal property conducted at a residential dwelling on a temporary basis. Home sales include garage sales, yard sales, porch sales, basement sales, and the like.

(97) Hospital

See "Health Care Institution."

(98) Hotel or Motel

Any establishment in which individual cabins, courts, rooms, suites or similar structures or units are rented to transients for temporary periods of time. A "hotel" shall include tourist cabins and homes and motels, but shall not include bed and breakfast establishments. A hotel shall not be considered or construed to be a multiple family dwelling.

(99) Improved area

A road surface that is part of a private road and that meets or exceeds the standards of the Saginaw County Road Commission for an aggregate base course road.

(100) Indoor recreation establishment

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

(101) Institutional uses

Churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

(102) Junkyard or recycling yard

Any land or building that is properly licensed and used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, salvaged building materials, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

(103a) Kennel, private

Any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, or bred for private use and not for remuneration or sale.

(103b) Kennel, public (also, “**commercial kennel**”)

Any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for specified compensation.

(104) Land Division (also “Division”)

Land division means the partitioning or splitting of a parcel or tract of land that results in one or more parcels of less than 40 acres, and that meets the requirements of the Land Division Act, Act 591 PA 1996, as amended.

(105) Livestock Production Facility

Any facility where farm animals as defined in the Right to Farm Act (P.A. 93 of 1981, as amended) are confined with a capacity of 50 animal units or greater, and the associated manure storage facilities.

(106) Loading space

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

(107) Lot

A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for: minimum area, setbacks, coverage, and open space. A lot may or may not be specifically designated as part of the public record.

(108) Lot area

The total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall include that part which is in the public right-of-way.

(109) Lot area, net buildable

The net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water.

For Planned Unit Developments, net buildable lot area is the net lot area less area devoted to water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. However, in determining the overall density for the residential component of a Planned Unit Development, State regulated wetlands and non-State regulated wetlands may be included — see definition for density.

(110) Lot, corner

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees (See Figure 2-4).

(111) Lot coverage

A part or percentage of a lot occupied by buildings or structures.

(112) Lot depth

The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 2-5).

(113) Lot frontage

The length of the front lot line.

(114) Lot, interior

A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

(115) Lot line

The line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

(116) Lot lines

- a. **Front lot line:** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way (See Figure 2-6).
- b. **Rear lot line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (See Figure 2-6).
- c. **Side lot line:** Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line (See Figure 2-6).
- d. In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and side lot lines, based on the following considerations:

1. location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.
2. location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

(117) Lot, nonconforming

A lot of record which does not meet the dimensional requirements of this Ordinance.

(118) 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.

(119) Lot, through (also "double frontage lot")

An interior lot having frontage on two (2) more or less parallel streets.

(120) Lot width

The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line (See Figure 2-6).

(121) Manufactured home

A mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

(122) Medical clinic

An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

(123) Mini-warehouse (also "self-storage warehouse")

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

(124) Mobile home

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. "Mobile home" does not include a recreational vehicle or motor home.

(125) Mobile home park

A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis, and which is offered to the

public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

(126) Mobile home site or space

A portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

(127) Mobile home subdivision

A platted residential development consisting of mobile homes or single and two family dwellings located on individual, separately-owned lots.

(128) Motel (See "hotel")

(129) Motor home

A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

(130) Non-Conforming use

The use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform with the use regulations of the district in which it is located.

(131) Non-Conforming lot of record ("Substandard lot")

A lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

(132) Non-Conforming structure

A structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

(133) Nursery, plant

A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

(134) Obscuring screen

A visual barrier between adjacent areas or uses. The screen may consist of structures such as a wall, fence, or earthen berm, as specified in this Ordinance.

(135) Offset

The distance between the centerlines of driveways or streets across the street from one another.

(136) Off-street parking lot

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

(137) Open air business

A business establishment operated substantially in the open air and outside of any permanent building, including flea markets and outdoor displays of merchandise, outdoor eating areas, outdoor storage, and similar uses.

(138) Ordinary high water mark

The line, as determined by a Registered Land Surveyor, between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

(139) Outdoor recreation establishment

A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

(140) Parapet wall

An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

(141) Parcel

A lot described by metes and bounds or described in a recorded plat.

(142) Parking space (stall)

A designated area of definite length and width for parking of motor vehicles.

(143) Planned unit development

A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non-residential uses.

(144) Planning Commission

The Swan Creek Township Planning Commission as duly created under the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended.

(145) Plat

A map of a subdivision of land.

(146) Pond

Any artificially created depression in the soil that is a minimum of one thousand (1,000) square feet in area, twenty-four (24) inches deep, and filled with water.

(147) Principal building or structure

A building or structure in which is conducted the principal use of the lot upon which it is situated.

(148) Principal use

The main use to which the premises are devoted and the principal purpose for which the premises exist.

(149) Principal use, permitted

A use permitted in each zoning district by right.

(150) Private club

An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

(151) Private Road

Any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels, principal buildings, dwelling units, structures, or combination thereof.

(152) Public and semi-public institutional buildings, structures and uses

Buildings, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

(153) Public park

Any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

(154) Public open space

Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

(155) Public street

A public thoroughfare which affords the principal means of access to abutting property.

(156) Public utility

Any person, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

(157) Radioactive materials

Materials defined as radioactive under Michigan Department of Environmental Quality regulations for transportation of radioactive materials or under Saginaw County Health Department regulations, whichever is determined to be applicable.

(158) Recreational vehicle

A vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

(159) Retail store

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

(160) Right-of-way

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

(161) Salvage

Material to be used for further use, recycling, or sale.

(162) Salvage yard

Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any outdoor area for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclable materials.

(163) Satellite dish antenna

A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrial and/or extraterrestrial-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

(164) Screen

A structure such as a fence or wall, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

(165) Service drive

A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

(166) Setback, required

The required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium setbacks."

(167) Setback, parking lot

The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

(168) Shopping center

A commercial enterprise that is planned and developed as a unit, and which includes a group of retail businesses. Off-street parking is provided for the shopping center as a whole, as opposed to providing separate areas for individual businesses.

(169) Shoreline

The edge of a body of water measured at the ordinary high water mark.

(170) Sight distance

The length of roadway that is visible to the driver. Sight distance is generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

(171) Sign

A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business. Various types of signs and their components are further defined as follows:

- a. **Billboard:** A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premise signs" and "outdoor advertising."

- b. **Sign Area:** The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs that consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.
- c. **Canopy Sign:** A sign that is incorporated into the fabric or material of a canopy with the canopy being attached to an exterior wall or surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining said area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.
- d. **Directional Sign:** A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" of the business for which the directional signs are associated.
- e. **Electronic Message Board.** A sign with changeable copy in which the copy consists of an array of lights activated and deactivated with a frequency of message change of not less than twenty (20) seconds. Signs that only display the time and temperature may change messages with a frequency of no less than five (5) seconds.
- f. **Flashing Sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- g. **Freestanding Sign:** A sign which is affixed to a permanent foundation, but not attached to a building.
- h. **Illuminated Sign:** Any sign designed to give forth artificial light, or designed to reflect any such light given from any source which is intended to cause such light or reflection.
- i. **Monument Sign** (also "Ground Mounted Sign"): A type of freestanding sign where the base of the sign is directly on the ground or integrated into landscaping or other solid structural features instead of support poles.
- j. **Political Sign:** Any sign displaying a message and/or image associated with an election, referendum, election campaign, or similar event.
- k. **Portable Sign:** Any sign constructed so as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.

- l. **Real Estate Sign:** A sign advertising that the premises on which the sign is located is for sale, lease, or rent.
- m. **Wall Sign:** A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall. (See also "canopy sign.")

(172) Site plan

A scaled drawing or set of drawings that illustrate existing conditions and that contain the elements required by this Ordinance as applicable to a proposed development to ensure compliance with zoning provisions.

(173) Special land use

A use of land that is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

(174) Specified Anatomical Areas

Human genitals, pubic region, or any portion of the areola of a female breast when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.

(175) Specified Sexual Activities

Human genitals in a state of stimulation or arousal; acts of human masturbation; sexual intercourse (heterosexual or homosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellation or cunnilingus; and human excretory functions.

(176) Stable, private

An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

(177) Stable, public (also, "commercial stable")

An accessory building in which horses are kept for remuneration, hire, or sale, including any stable that is incidental to the operation of a club, association, ranch, or similar establishment.

(178) Story

That portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four (4) feet above the average adjoining ground surface.

(179) Street

A public thoroughfare that affords the principal means of access to abutting property.

(180) Structure

Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50% solid, tanks, towers, dish antennae, advertising devices, tents, wagons, trailers, dining cars, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

(181) Structural Alterations

Any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

(182) Substantial improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

(183) Temporary building, structure or use

A building, structure or use permitted to exist during periods of construction of the principal building, structure, or use. Also, a use that is allowed for a specific, limited time period, such as a special event.

(184) Use

The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

(185) Variance

A relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 184 of the Public Acts of 1943, as amended.

(186) Vehicle

Any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

(187) Vehicle Sales Area.

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

(188) Veterinary Clinic

A building, or any portion thereof, used for the medical treatment of domesticated animals by a Doctor of Veterinary Medicine and his or her employees, and including exterior or interior kennels or overnight lodging facilities for animals.

(189) 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.

(190) Wetland, regulated

Certain wetlands regulated by the Michigan Department of Environmental Quality under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as 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, pond, 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 determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

(191) Yard

- a. A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A **required yard** is measured between the applicable lot line and the nearest foundation line of a building or structure.
- b. **Front yard:** A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or

- structure. In the case of a waterfront lot, the yard on the water side shall be the front yard (See Figure 2-6).
- c. **Rear yard:** A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building (See Figure 2-6).
 - d. **Side yard:** A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (See Figure 2-6).

(192) Zoning Act

The Michigan Zoning Enabling Act, Public Act 110 Of 2006, as amended.

(193) Zoning Administrator

An individual appointed by the Swan Creek Township Board delegated to administer the Swan Creek Township Zoning Ordinance.

(194) Zoning Board of Appeals

The Swan Creek Township Zoning Board of Appeals created under the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

(195) Zoning District

A portion of the incorporated area of the township within which certain regulations and requirements, or various combinations thereof apply under the provisions of the Zoning Ordinance.

Swan Creek Township Zoning Ordinance

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