

**Section 3.1 General Construction**

For the purpose of this Ordinance, certain words and terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure." The term "person" shall mean an individual, partnership, corporation or other association or their agents. Terms not herein defined shall have the meanings customarily accepted.

**Section 3.2 Specific Terms**

**Abandonment**

Except in the case of gravel pits existing at the time of adoption of this Ordinance, the cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

**Accessory Building**

Except as otherwise permitted or defined in Article 5 or Article 6 of this Ordinance, a building or portion of a building supplementary to a main building on the same lot occupied by or devoted exclusively to an accessory use. Where an accessory building is attached to a main building in a substantial manner, such as a wall or a roof, the accessory building shall be considered a part of the main building.

**Accessory Use**

A use incidental and subordinate to the main use of the land or building.

**Acre**

A measure of land area containing forty-three thousand five hundred sixty (43,560) square feet.

**Adult Entertainment/Business**

(a) Adult Bookstore:

A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the items set out in subsection (1) or (2) [below]:

- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproduction, slides, or other visual representation or media which depict or describe specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- (3) The sale of such materials shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five (35) percent or more of sales volume or occupies thirty-five (35) percent or more of the floor area or visible inventory within the establishment.

(b) Adult Cabaret:

A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

- (1) Persons who appear in the state of nudity;
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- (3) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (4) Persons who engage in lewd, lascivious or erotic dancing or performances which are intended for the sexual interests or titillation of an audience or customers.

(c) Adult Motel:

A hotel, motel or similar commercial establishment that:

- (1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has as a sign visible from the public right-of-way that advertises the availability of any of the above, and/or;
- (2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours, and/or;
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

(d) Adult Entertainment Booking Agency:

A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of specified anatomical areas or by specified sexual activities.

- (e) **Adult Motion Picture Theater:**  
A commercial establishment, which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media, that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. This definition includes commercial establishments that offer individual viewing booths.
- (f) **Adult Theater:**  
A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by specified sexual activities.
- (g) **Community Impact Statement:**  
A statement by any sexually-oriented business required to be licensed, submitted in conjunction with an application or a license to operate a sexually-oriented business.
- (h) **Dating Service:**  
A business engaged in, for financial remuneration, either directly or indirectly, where the operator arranges to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the Dating Service, or similar operation.
- (i) **Escort:**  
A person who, for financial consideration or contract, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or offers to privately perform a strip tease for another person.
- (j) **Escort Agency:**  
A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (k) **License:**  
An official permit from Florence Township to allow an activity or activities as may be required by this article.
- (l) **Massage:**  
The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids.
- (m) **Massage Parlor:**  
Any place or establishment where massage is made available. "Massage Parlor" does not include the following:
- (1) A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
  - (2) A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
  - (3) A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this 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; provided, however, that such barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands,

feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only; or

- (4) Myomassaologists who meet the following criteria: proof of graduation from a school of massage licensed by the State of Michigan or current licensure by the State of Michigan or current licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States.

(n) **Massage School:**

Any place or establishment or facility which provides instruction, theory, method and practice of massage.

"Massage School" does not include:

- (1) A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
- (2) A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
- (3) 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; provided, however, that such barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands, feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only; or
- (4) Myomassaologists who meet the following criteria: proof of graduation from a school of massage licensed by the State of Michigan or current licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States.

(o) **Nude Model Studio:**

Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, paint, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered or recognized by the State of Michigan.

(p) **Operator:**

Any person who engages in the practice of or performs a massage.

(q) **Public Nudity or State of Nudity:**

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

- (1) A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in Section 2 of Act Number 343 of the Public Acts of 1984, being Sections 752.362 of the Michigan Compiled Laws.
- (3) Sexually explicit visual material as defined in Section 3 of Act Number 33 of the Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.

(r) Sexual Encounter Center:

A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

(s) Sexually Oriented Business:

A business or commercial enterprise engaging in any of the following businesses:

- (1) Adult Bookstore
- (2) Adult Cabaret
- (3) Adult Entertainment Booking Agency
- (4) Adult Motel
- (5) Adult Motion Picture Theater
- (6) Adult Theater
- (7) Dating Service
- (8) Escort Agency
- (9) Message Parlor
- (10) Massage School
- (11) Nude Model Studio and/or
- (12) Sexual Encounter Center

(t) Specified Anatomical Areas:

Defined as the following;

- (1) Less than completely and opaquely-covered human genitals, pubic region, buttock, anus and female breasts at or below the top of the areola; and/or
- (2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

(u) Specified Sexual Activities:

Includes any of the following;

- (1) The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Sexual arousal or gratification using animals or violence, actual or simulated;
- (4) Masturbation, actual or simulated; or
- (5) Excretory functions as part of or in connection with any of the activities, as set forth in (1), (2), (3) or (4) above.

**Adult Foster Care Home**

A private home licensed by the State government for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home 7 to 20.

**Agriculture**

The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry. The words agricultural and farming shall be considered synonymous.

**Alteration of Building**

A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.

**Amortization**

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

**Animal**

Any live non-human species of mammal, and any species of reptile, amphibian, insect, bird, or fish.

- A. Domestic Animal: Any live animal of a species indigenous to the State of Michigan and not a wild animal or farm animal, including dogs and cats, and also including birds, non-poisonous snakes and lizards, non-poisonous insects, rabbits, and fish, kept as household pets.
- B. Exotic Animal: Any live animal of a species not indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part exotic animal, and fish.
- C. Farm Animal: Any live animal (other than a domestic animal) of a species customarily and normally kept as livestock on a farm; and also any other animal other than dogs cats, exotic animals and wild animals, raised for commercial profit or slaughter.
  - 1. Large farm animals: cows and other bovine, horses and other equine, hogs and other swine, sheep and goats and other ovine, and other livestock animals of comparable size.
  - 2. Small farm animals: chickens and other poultry, turkeys, ducks, geese, and rabbits, and other livestock animals of comparable size, and fish.
- D. Wild Animal: Any live animal of a species indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part wild animal.
- E. Livestock: Means species of animals used for human food and fiber or those species of animals used for service to humans. Livestock include, but not limited to, cattle, sheep, new world camelids, goats, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture and rabbits. Livestock does not include dogs and cats.

**Animal Hospital (see Kennel)**

**Apartment, Apartment House**

A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

(a) Efficiency Apartment (Studio):

A dwelling unit containing not over six hundred and forty (640) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

(b) One Bedroom Unit:

A dwelling unit containing a minimum of floor area of at least six hundred and forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.

(c) Two Bedroom Unit:

A dwelling unit containing a minimum of floor area of at least eight hundred square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.

(d) Three or More Bedroom Unit:

A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) bedroom unit shall be an increase in the room count by one (1) over the four (4).

**Appeals**

The process, as prescribed in the Ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

**Applicant**

A person or entity submitting an application for review and action by the Township or any of its departments or commissions or related governmental associations.

**Approved Plan**

A plan which has been granted final approval by the appropriate approving authority.

**Approving Authority**

The agency, board, group, or other legally-designated individual or authority which has been charged with review and approval of plans and applications.

**Area (see Lot Area)****Attached**

Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

**Attached Garage**

An outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

**Automobile Repair Establishments**

Any activity involving the major or minor repair, rebuilding and/or reconditioning of motor vehicles, engines or trailers; collision service, such as body, frame or fender straightening and repair; over-all painting and vehicle rust-proofing; refinishing and/or steam cleaning.

**Automobile Salvage**

The dismantling or disassembling of used motor vehicles or trailers; the storage, sale, or dumping of dismantled or partially dismantled, or wrecked vehicles or their parts.

**Automobile Service Station or Filling Station**

A building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair and servicing, and may include automobile repair as defined in Automobile Repair Establishments.

**Automobile Wash**

A building or portion thereof, the primary purpose of which is that of washing automobiles, either by self-service or by automatic means.

**Bank**

A financial institution.

**Basement**

A portion of a building partly underground with more than one-half (1/2) of its height below grade, containing any of the following features:

- (1) Mechanical equipment, such as heating, metering, or laundry facilities.
- (2) No doorway opening directly to ground level or upon a hallway with such a doorway.
- (3) No sash windows.

**Bed and Breakfast Operations**

A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and board in return for payment, and which does not provide separate cooking facilities for such guests.

**Berm, Obscuring**

An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.

**Billboard (see Signs)**

Any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

**Board of Appeals, Board**

The term "Board of Appeals" refers to the Florence Township Zoning Board of Appeals. The term "Board" refers to the Florence Township Board of Trustees.

**Boarding House or Rooming House**

A dwelling having one kitchen and used for the purpose of providing meals or lodging for pay or compensation of any kind to more than two persons other than members of the family occupying the dwelling.

**Buildable Area**

The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

**Building or Structure**

An independent structure, either temporary or permanent, having a roof supported by columns, walls or any other support used for the enclosure of persons, animals, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

**Building Coverage**

The horizontal area measured within exterior walls of the ground floor of all principals and accessory buildings on a lot.

**Building Height**

The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the mean established grade at the building wall perimeter.

**Building, Main or Principal**

A building in which is conducted the main or principal use of the lot on which it is situated.

**Building Official**

The Building Inspector of the Township or his authorized representative.

**Building Permits**

A building permit is the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the Township's Building Code.

**Building Setback Line**

The line situated at the outer surface of a building or enclosure wall, at the ground surface level, pertaining to the minimum setback distance established from the front street right-of-way or property line, thus defining an area of the lot adjacent to the front lot line in which no part of a building shall project or be located, except as otherwise provided for in this Ordinance.

**Business or Commerce**

Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

**Business Services**

Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, including but not limited to services such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

**Carry-out Restaurant**

An establishment which, by design of physical facilities or by service or packaging procedures, permits or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

**Cell Tower (see Communication Tower)****Cemetery**

Any public cemetery owned, managed or controlled by the Township and any cemetery located within the Township.

**Certificate of Occupancy**

A document issued by the proper authority (Building Official or Zoning Administrator) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

**Certification of Completion**

A signed written statement by the Building Official that specific construction has been inspected and found to comply with all grading and building plans and specifications.

**Change of Use**

Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

**Child Care Organization**

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State government. Such organizations shall be further defined as follows:

a) "Child Care Center" or "Day Care Center"

A facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

b) "Foster Family Home"

A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

c) "Foster Family Group Home"

A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

d) "Family Day Care Home"

A private home in which one but less than seven minor children are received for 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year

e) "Group Day Care Home"

A private home in which more than six but not more than 12 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. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

**Church/Synagogue/Mosque**

A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

**Cluster**

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

**Commercial**

This term relates to 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 a garage/basement sales operating more than twelve (12) days during one (1) twelve (12) month period.

**Commission**

This term refers to the Florence Township Planning Commission.

**Communication Tower**

Radio, television, microwave or similar transmission receiving or relay tower for commercial use, including multiple lease or use by customers other than the owner.

**Community Center**

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

**Comprehensive Plan/Master Plan**

A comprehensive, long-range plan intended to guide the growth and development of the Township and includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

**Condominium**

Is the manner in which real property is owned. It is a combination of ownership in fee simple of the interior space of a townhouse or apartment plus an undivided ownership, in common with other purchasers, of the common elements in the structure, including the land and its appurtenances.

**Construction**

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

**Contiguous**

Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

**Convalescent or Nursing Home**

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State Law.

**Cul-de-sac**

A street with a single, common ingress and egress and with a turnaround at the end.

**Day Care Facility** see Child Care Organization

**Development**

The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**Dish-type Satellite Signal-receiving Antennas**

Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- a) a signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit.
- b) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c) a coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

**Domestic Animal Rescue**

A facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization for the care of homeless animals, or that otherwise meets the definition of an "animal protection shelter" as defined by Michigan Public Act 287 of 1969 and Section 50 of Public Act 328 of 1931.

**Drive-Up Facility**

A commercial business establishment which offers goods or services to customers in vehicles, including establishments where customers have momentarily stepped away from their automobiles. This may include, but is not limited to banks, restaurants, convenience stores, laundry establishments, etc.

**Duplex (see Dwelling, Two-Family)**

**Dwelling, Dwelling Unit**

A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provision thereof relative to dwellings.

**Dwelling, Multiple-Family**

A building or portion thereof, used or designed for use as a residence for more than two (2) families living independently of each other. This definition does not include mobile homes, or two-family dwellings.

**Dwelling, Single-Family Detached**

A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

**Dwelling, Two-Family**

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

**Dwelling, Group (Congregate Living)**

A building or group of buildings designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

**Easement**

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

**Egress**

An exit from a building or site.

**Emission**

A discharge of pollutants into the air.

**Environmentally Sensitive Area**

An area with one or more of the following characteristics.

- (a) slopes in excess of 20 percent
- (b) floodplain
- (c) soils classified as having a high water table
- (d) soils classified as highly erodible, subject to erosion, or highly acidic
- (e) land incapable of meeting percolation requirements
- (f) land formerly used for landfill operations or hazardous industrial uses
- (g) fault areas
- (h) stream corridors
- (i) estuaries
- (j) mature stands of native vegetation
- (k) aquifer recharge and discharge areas

**Erosion**

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

**Essential Services**

The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal department or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains,

sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, to be reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commission or for public health or general welfare. This phase does not include buildings other than such buildings as are primarily enclosures or shelters of the above-referenced equipment, and also does not include Communication Towers as defined in this Ordinance.

**Establishment**

An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

**Excavation**

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

**Family**

A single individual or a number of individuals domiciled together whose relationship is of a continuing non transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for an anticipated limited duration of school terms or other similar determinable periods.

**Family (Immediate Family)**

A single individual related by consanguinity of the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

Method of computing degrees of consanguinity by the civil law for purpose of inheritance is to begin at either of persons claiming relationship and count up to common ancestor, and then downwards to other persons, in the lineal course, calling it a degree for each person, both ascending and descending, and degrees they stand from each other is degree in which they are related.

So, basically a third degree of consanguinity is grandchildren of the “common heir” (nieces and nephews), as well as the person’s children. So your sister’s daughter is within the third degree of consanguinity from you. That is we start at you , count one, go up to your dad. Then we go from dad to sister, count on more. Then we go from sister to niece, count on more. That’s three. That is probably all you want here.

**Family Business**

An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation).

**Farm**

All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous parcel of not less than ten (10) acres in area. Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur bearing animals or game, or operating fish hatcheries, stone quarries, or gravel, dirt or sand pits shall not be considered farms.

**Farm Dwelling**

Any single-family dwelling located on an active farm serving as the principle residence for the persons primarily engaged in operating the principle agricultural use of the said farm.

**Fence**

A permanent or temporary partition or structure erected as a divider, barrier, or enclosure between two or more properties.

**Filling**

The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

**Filling Station** (see Automobile Service Station)

**Final Approval**

The last official action of the Planning Commission or Board of Zoning Appeals taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees properly posted for their installation, or approval conditioned upon the posting thereof.

**Flea Market**

An occasional or periodic market held in an open area or structure, where groups of individual sellers offer goods for sale to the public.

**Flood Plain**

Those areas which are subject to inundation at a high water level in a flood of one (1) percent yearly probability as determined by an engineer or agency of the State or Federal government designated by the Board.

- A. **Area of special flood hazard** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- B. **Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year.
- C. **Development** means 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.
- D. **Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal water; 2) the unusual and rapid accumulation of runoff of surface waters from any source.
- E. **Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.
- F. **Harmful increase** means an unnaturally high stage on a river, stream, or lake which causes or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
- G. **New construction** means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
- H. **Structure** means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.
- I. **Substantial improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds the State Equalized Valuation 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 1) any project for improvement of a structure in order to comply with existing state or local health, sanitary or safety code specifications, or 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

#### **Floor Area**

- A. **Floor Area, Gross.** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls from the center line of walls separating two (2) buildings. The "floor area" of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area." Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.
- B. **Floor Area, Usable.** The measurement of usable floor area shall include that portion of floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or

customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

**Foster Care Facility**

An establishment which provides supervision, assistance, protection or personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or nursing home licensed under part 217, Article 17 of PA 368 of 1978, as amended being MCL 333.21701 through 333.21799e; or a psychiatric hospital licensed under PA 258 of 1974, as amended being MCL 330.1001 to 330.2106.

- A. Family home – A facility which provides foster care to six (6) or fewer persons.
- B. Group home – A facility which provides foster care to seven (7) or more persons.

**Funeral Home**

A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

**Garage**

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) vehicles.

**Garbage**

Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

**Gasoline Service Station** (see Automobile Service Station)

**Glare**

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

**Golf Course**

A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

**Grade**

A reference plane representing the finished ground level adjoining a building at all exterior walls.

**Grading**

Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

**Greenbelt or Buffer Strip**

The strip of land not less than ten (10) feet in width which is planted and maintained with trees acceptable to the Building Inspector of from five (5) to six (6) feet in height, spaced not more than ten (10) feet apart; or a hedge row of suitable shrubs not more than four (4) feet in height.

**Greenhouse**

A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

**Group Care Facilities (see Dwellings (Group))****Gross Usable Area**

The total area in a mobile home park which is suitable for development exclusive of swamps, steep slopes, or other natural or man-made limitations.

**Hazardous Materials**

Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

**Health Care (Services) Facilities**

A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services; and bio-analytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer. Provides out-patient care, no overnight stay, except for hospitals.

**Highway**

A public thoroughfare or street maintained and regulated by Federal or State agencies.

**Home Occupations**

A gainful occupation traditionally or customarily carried on in the home or accessory building as a use incidental to the use of the home as a dwelling place. Home occupations may include any profession, vocation, or trade, but shall not include nursery schools caring for more than three (3) children, photographic studios, restaurants, retail sales, vehicle repairs and adult entertainment/businesses.

**Hospital (see Health Care Facilities)**

**Hotel (Motel)**

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

**Impervious Surface**

Any material which reduces and prevents the absorption of stormwater into previously undeveloped land.

**Infrastructure**

Facilities and services needed to sustain industry, residential and commercial activities.

**Ingress**

Access or entry.

**Institutional and Public Uses**

Churches, schools, hospitals, intermediate care or skilled nursing facilities, public or quasi- public, non-profit uses, community facilities, parks and playground.

**Intersection**

The point where two or more roads cross at grade.

**Junk**

For the purpose of this Ordinance this term shall mean any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

**Junk Yard**

The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof for profit.

**Kennel or Animal Hospital**

Any building or land used for the sale, boarding, treatment, or breeding of dogs, cats, or other household pets as a business.

**Land Division**

Dividing land, parcel, plot, lot or acreage, for purposes of creating a more than one (1) legal parcel.

**Land Use**

A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

**Land Use Plan**

A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

**Libraries**

Institutions for the storage and circulation of books, compact discs, video tapes and other materials for use by the general public.

**Litter (see Trash)****Livestock (see Animal)****Livestock Intensive Operation**

Intensive Livestock Operations. Conditions and safeguards which must be met before a special use permit may be granted shall include the following:

1. The Michigan Department of Agriculture's Generally Accepted Agricultural and Management Practices (GAAMPS) for new and expanding livestock facilities shall be followed.
2. Site/facilities locational requirements. The applicant for an intensive livestock operation permit shall submit with the application a detailed site plan showing that the property upon which the operation is proposed to be sited and the buildings, structures, and enclosures thereon, including animal waste storage areas, structures and excavations to fully comply with the following locational requirements:
  - a. The property shall be zoned A Agricultural pursuant to the Florence Township Zoning Ordinance and Zoning Map.
  - b. The property shall have a minimum lot area of forty (40) contiguous tillable acres.

**Loading Berth**

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 materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

**Lot**

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including, subject to Section 2.15, one (1) main building with its accessory buildings, and providing the open spaces, parking spaces and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel.

**Lot Area**

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

**Lot, Corner**

A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.

**Lot Coverage**

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**Lot Depth**

The mean horizontal distance from the front street line to the rear lot line, or in the case of an acreage lot, from the front right-of-way line to the rear property line.

**Lot, Flag**

A lot which has less than the required minimum road frontage on a public or private road, which is reached via a private drive, and whose width some distance back from the right-of-way meets all Ordinance requirements. Flag lots shall not be permitted.

**Lot Lines**

The property lines bounding the lot.

- 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. In the case of a corner or through lot, the front lot line shall be that line separating said lot from that street which is designated as the front street.

- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.
- C. **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- D. **Street or Alley Lot Line:** A lot line separating the lot from the right-of-way of a street or an alley.

#### **Lots 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 as required by law.

#### **Lot Width**

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

#### **Manufactured Home**

A prefabricated transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential purposes.

#### **Master Plan (see Comprehensive Plan)**

#### **Medical Office (see Health Care Facility)**

#### **Mixed Use Zoning**

Regulations which permit a combination of different uses within a single development, under special regulations.

#### **Mobile Home**

A movable or portable structure constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

- A. **Single Wide** - a mobile home with a width of no greater than fourteen (14) feet for its full length. Except in a mobile home park, a single wide mobile home does not meet the definition of a dwelling unit as specified in this Ordinance.

- B. **Double Wide (Manufactured Home)** - a combination of at least two (2) sections designed and constructed to be connected along the lengthwise axis, thus providing double the living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

**Mobile Home Park**

A parcel of land which has been planned and improved for the placement of mobile homes for residential dwelling use along with any structure, facility, area or equipment permitted and incidental to the residential use but not including sales of unoccupied mobile homes.

**Mobile Home Site**

A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

**Mobile Home Subdivision**

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

**Modular**

A structure which meets the requirements of the State Construction Code, building and construction code, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to the State Construction Code, the characteristics of a modular are:

- A. A pitched roof of heavy truss construction able to support a “dead-weight” of at least forty (40) pounds per square foot, and having roof shingling of five (5) inch exposure;
- B. A heavy deck flooring of wood on two (2) by eight (8) floor joists;
- C. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof; and
- D. Establishment on a poured wall or cement block and mortar foundation.

**Motels, Hotels, or Motor Hotels.**

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

**Motor Home**

A self-propelled motor vehicle designed as self-contained living quarters and intended only for short-term occupancy.

**Motor Vehicle**

Every vehicle which is self-propelled.

**Non-Conforming Building/Structure**

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of this Ordinance in the Zoning District in which it is located.

**Nonconforming Sign**

Any sign lawfully existing of the effective date of an ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**Non-Conforming Use**

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the Zoning District in which it is located.

**Nuisance**

An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the good property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare and smoke, are examples of nuisances.

**Nursery, Plant Materials**

Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

**Office**

A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**Office Building**

A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, they may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or snack stand.

**Open Space**

Is that part of a parcel, property, lot, including courts or yards which:

- (a) is open and unobstructed from its lowest level to the sky, and
- (b) is accessible to all residents upon the zoning lot, and
- (c) is not part of the roof of that portion of a building containing dwelling units, and
- (d) is comprised of lawn and landscaped area.
- (e) is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

**Park, Private**

An open space, natural area, or recreational site owned or leased by an individual or business and used for the enjoyment and recreation of individuals as guests of paying customers to the site.

**Park, Public**

An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

**Parking Area**

An area used for the parking, parking aisle, access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

**Parking Bay**

A hard surface area adjacent and connected to, but distinct from a street intended for parking motor vehicles.

**Parking Lot**

An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

**Parking Space**

Any accessible area of not less than nine (9) feet by eighteen (18) feet exclusive of excess drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

**Passive Recreation Area**

An open area designed for walking or sitting and enjoying nature or surroundings.

**Permitted Use**

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Planned Residential Development or "PRD"**

An area of minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and one or more open space or recreation areas in such range or ratios of nonresidential to residential uses as shall be specified.

**Planning Commission**

The duly designated advisory :Planning Commission of the Township of Florence.

**Pool, Commercial Swimming (over 10,000 Gallons)**

An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

**Pool, Private Swimming Pool (over 500 Gallons)**

Any artificially-constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

**Porch**

Roofed open area that, while may be glassed or screened, is usually attached to, or part of, with direct access to or from a building.

**Preliminary Plan**

A preliminary map indicating the proposed layout of the subdivision, PRD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

**Principal Use**

The primary and predominate use of the premises including customary accessory uses.

**Private Recreational Facilities**

A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary activities either indoors or outdoors which is operated by a private nonprofit or for-profit organization or corporation but is not open for use by the public.

**Public Facilities**

Facilities which are owned and operated by a municipality, government agency, school district, or publicly owned utility.

**Public Hearing**

A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

**Public Utility**

Any person, firm, corporation, municipal department, board or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation or water services; provided that Communication Towers, as defined in this Ordinance, shall not be considered a public utility.

**Quasi-Public Organization**

A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

**Quorum**

The number of attendees required by a board or agency who must be present in order to conduct the business of the board or agency.

**Radio Antenna**

A signal receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

**Recreational Vehicles**

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

**Recycling**

The process by which waste products are reduced to raw materials and transformed into new and often different products.

**Recycling Center**

A building where fully enclosed activities are carried out specializing in transforming waste products back into raw materials and converting them into new and often different products.

**Residence**

A home, abode, or place where an individual is actually living at a specific point in time.

**Residential, Residential Use, or Residential District**

The use of land parcels for human habitation under the terms of this Article. RESIDENTIAL shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

**Restriction**

A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

**Restrictive Covenant**

A restriction on the use of land usually set forth in a deed or other appropriate document.

**Restaurant**

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of goods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

**Riding Academy or Stable**

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, similar establishment or business.

**Right-of-Way**

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

**Right-of-Way Line**

The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities.

**Road or Street Frontage**

The length of the lot line which borders a private or public road.

**Road, Private** see Street, Private

**Road, Public** see Street

**Roadside Market Stand**

A temporary building or structure designed or used for the display and/or sale of agricultural products.

**Runoff**

The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

**Sanitary Landfill**

Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

**School**

Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

**School, Charter**

A school that is chartered by the State of Michigan to operate as a nonprofit corporation for the purpose of educating pre-school, elementary, junior high or high school students. A charter school is not under the jurisdiction of a public school district

**School, Elementary**

Any school licensed by the state and which meets the state requirements of elementary education.

**School, Parochial**

A school supported and controlled by a private, church or religious organization.

**School, Private**

Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which does not secure a major part of its funding from any governmental agency.

**School, Secondary**

Any school regulated by the state and which is authorized to award diplomas for secondary education.

**Screening**

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**Setback**

The minimum horizontal required distance measured from the front, side or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

**Shopping Center**

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

**Sidewalk (Public)**

A linear concrete surface typically three (3) to five (5) feet wide, that is located within a public right-of-way for pedestrian use and constructed and maintained in accordance with the Township's current sidewalk ordinance.

**Signs**

Any announcement, declaration, display, illustration, or insignia used to advertise or promote the interests of any persons or product when the SIGN is placed out-of-doors in view of the general public, including every SIGN, billboard, ground sign, roof sign, sign painted or printed on the exterior surfaces of a building or structure, illuminated sign and temporary sign (see Article 15).

**Site**

Any plot or parcel of land or combination of contiguous lots or parcels of land.

**Site Condos**

A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended).

**Site Plan**

The development for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of this Ordinance.

**Site Plan Review and Approval**

The submission of plans for review and approval, as required by this Ordinance, and special use permits.

**Special Land Use**

A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in the Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

**Special Use Permit**

A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the Township, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

**Spot Zoning**

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Township Comprehensive Plan.

**Stable, Private**

Any building for shelter of horses or other animals not kept for remuneration, hire, or sale.

**Stormwater Detention**

Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

**Story**

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor immediately above it, or if there is no floor above it, then the space between the floor and the ceiling immediately above it.

**Story, Half**

Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

**Stream**

A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically.

**Street**

The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

**Street, Local**

A street designed to provide vehicular access to abutting property and to discourage through traffic.

**Street, Major**

A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

**Street, Private**

An improved right-of-way of a minimum width of sixty-six (66) feet on private property owned and maintained by one or more contiguous property owners or property owner associations.

**Structure**

Anything including a building, constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground.

**Structure Changes or Alterations**

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

**Subdivider**

Any persons who undertakes the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

**Subdivision**

The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; provided however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

**Temporary Building or Use**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events, but not to exceed six (6) months duration.

**Townhouses**

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

**Township Board**

The Florence Township Board.

**Township Board of Appeals**

The Florence Township Board of Appeals.

**Township**

Township of Florence.

**Trash**

The terms "Trash", "Litter", and "Junk" are used synonymously and each as herein shall include the following: Used articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage of rats, ashes, garbage, industrial by-product or waste, empty cans, food containers, bottles, crockery, utilities of any kind, boxed, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

**Underground Home**

A residence, the roof of which is covered with earth, and which on at least three (3) sides does not extend upward more than the surrounding grade levels within fifty (50) feet. This does not include basement houses which are covered on four (4) sides by earth.

**Use**

The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

**Use, Lawful**

The use of any structure or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

**Variance**

A modification of the required provisions of the physical development or land use standards of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted. The crucial points of the VARIANCE are undue hardship and unique circumstances applying to the property. A VARIANCE is not justified unless both elements are present in the case.

**Vehicle, Motor**

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks, and licensed as a motor vehicle.

**Veterinary Clinic**

Any building or land used for the board and treatment of large and small animals.

**Water Supply System**

The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

**Wetlands**

Swamps or marshes with seasonal water present, especially as areas preserved for wildlife as defined by state or federal agencies.

**Vehicle, Recreational**

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck mounted campers.

**Yard, Required Side-Rear-Front**

An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level (see Illustration entitled "Lot Terms").

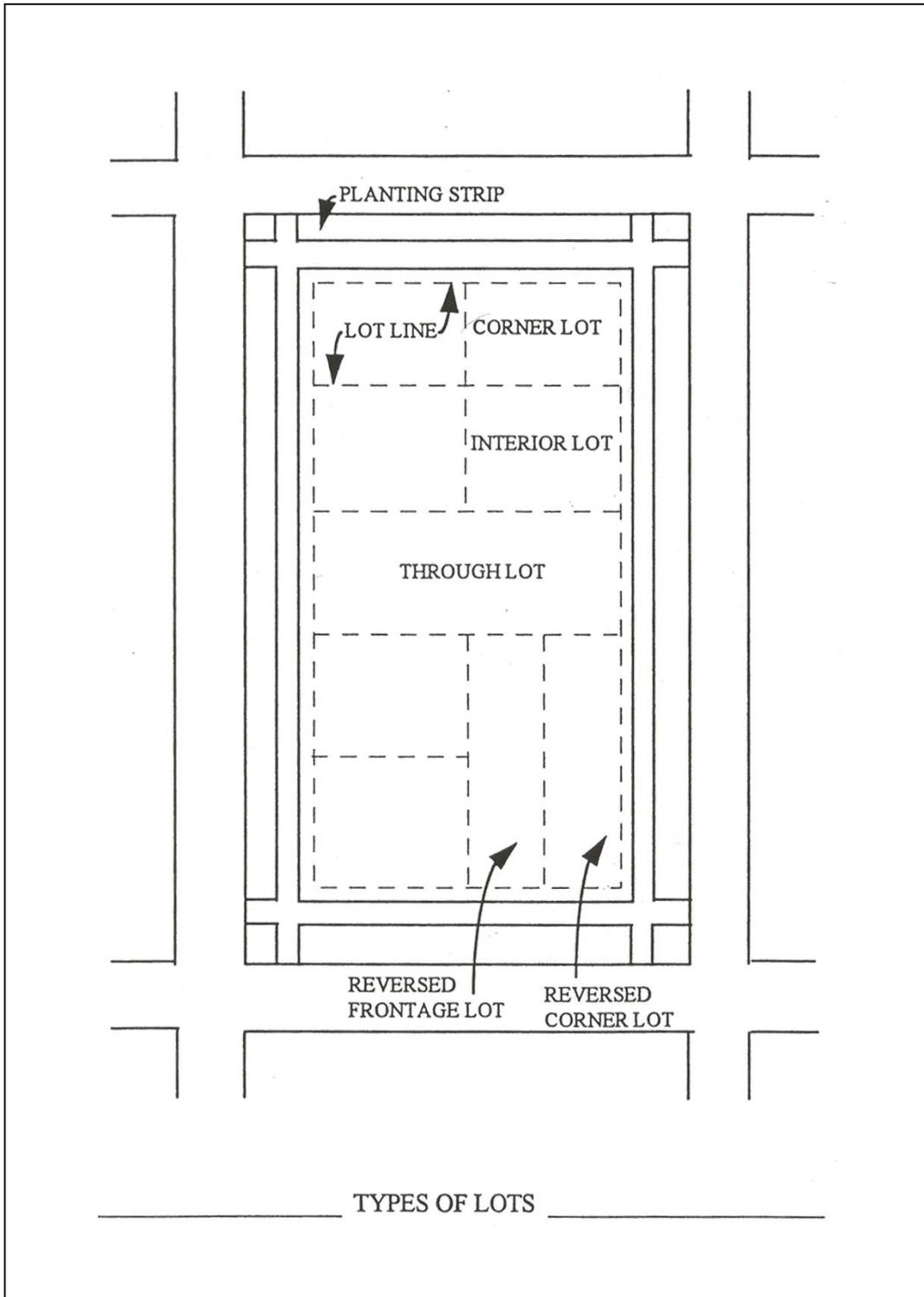
- A. **Front.** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way line.
- B. **Rear.** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way line, except as otherwise provided in this Ordinance.
- C. **Side.** An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way line.

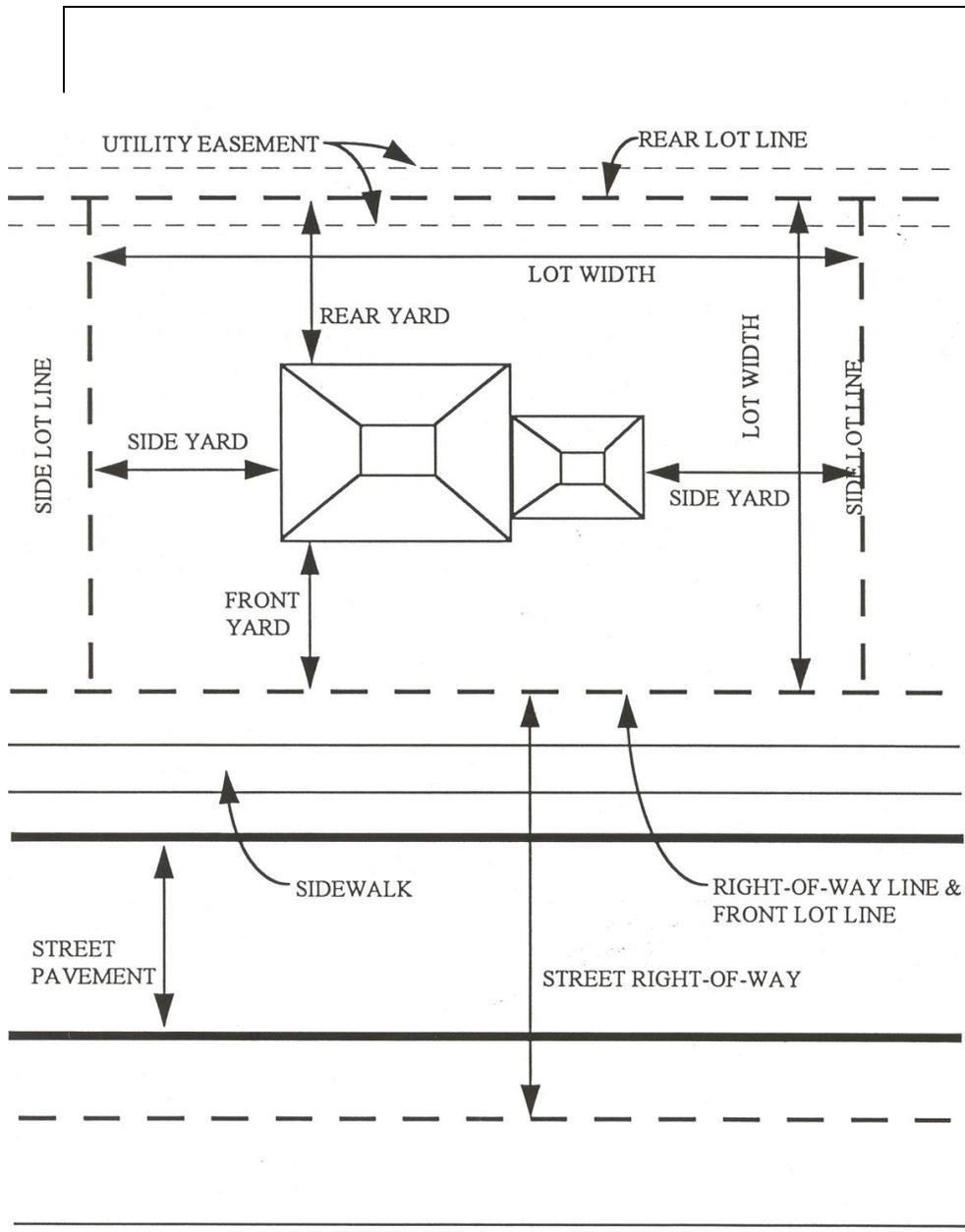
**ZONING ACT**

The Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

**ZONING INSPECTOR OR ADMINISTRATOR**

The Florence Township Zoning Inspector, or Zoning Administrator.





LOT TERMINOLOGY

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Definitions – page 57-60