

ARTICLE 2
DEFINITIONS

Section 2.1. Rules Applying to Text.

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

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense include the future. Words used in the singular number include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, etc., as well as an individual.
- F. The words "used" or "occupied" include the words "intended," "designed," or "arranged," or "designed to be used or occupied."
- G. The words "building" and "structure" are inclusive of each other, and the word "dwelling" includes the words "residence" and "domicile", the word "lot" includes the words "plot" or "parcel."
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either . . . or", the conjunction shall be interpreted as follows:
 - I. The word "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - J. The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - K. The words "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- L. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.2. Meanings.

For the purpose of this ordinance, certain terms, words and phrases shall have the meaning herewith defined:

Accessory Building: A subordinate building or structure the use of which is clearly incidental to that of the principal (Main) buildings or to the use of the land

Accessory Use: For the purpose of this ordinance, an accessory use is stated in terms of general criteria. Under such criteria, accessory uses must meet the following tests:

- A. They must be related to the principal use;
- B. They must be subordinate and normally incidental to the principal use;
- C. They must be located on the same lot as the principal use and must be in the same ownership;
- D. They must not alter the character of the area or be detrimental thereto;
- E. Such use services the comfort, convenience and needs of the occupants therein.

Adult Businesses. Shall include but not be limited to the following businesses: Adult book store, adult motion picture theater, massage parlor, sauna, nude modeling studio, premises for nude entertainment or similar type of business.

Agriculture: For the purpose of this ordinance shall mean the production of plants and animals useful to humans, including forages and sod crops, grains, feed crops and field crops, dairy and dairy products, poultry and poultry products, livestock as defined in this ordinance, including breeding and grazing, bees and bee products, berries, grasses, flowers, fruits, herbs, mushrooms, nursery stock including Christmas trees, seeds, vegetables, the breeding, raising and/or harvesting of fish and other aquaculture products, and a use in a federal acreage set-aside program or a federal conservation reserve program, but shall not include the management and harvesting of woodlots, as defined in this Ordinance.

Airport, public use: Any location, either on land or water, which is used for the landing or take off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas, used or suitable for airport buildings or other airport facilities, and all appurtenant rights of way, whether heretofore or hereafter established. Airports may include commercial activities or operations such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter of the tie-down of an aircraft, the overhaul or repair of an aircraft or engines or otherwise offering aeronautic facilities or services to the public. A public use airport shall be distinguished from personal use landing fields.

Alley: Any dedicated public way affording a secondary mean of access to abutting property.

Alterations: Any change, addition or modification of construction or type of occupancy; any change in the structural members or parts of a building, such as columns, beams or girders; or any enlargement of a building whether by extending on a side or by increasing in height; the consummated act of which may be referred to herein as "altered" or "reconstructed".

Apartment: A room or suite of rooms, including bath and culinary accommodations, in a two-family dwelling (duplex) or multiple-family dwelling, as defined herein, intended or designed for use as a residence (domicile) by a single family.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Attic: The space between the ceiling beams of the top habitable floor and the roof.

Automobile Repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust proofing.

Automobile Service Station: Any building or premise primarily used for the dispensing, sale, or offering for sale of any motor fuels, oils, lubricants, antifreeze, tires, batteries or similar automotive accessories which may only include facilities for the installation of oil, lubricants, anti-freeze, tires, batteries and similar automotive accessories, including the minor repair of automobiles, turning of motors and the washing of vehicles without the use of chain conveyors, blowers, steam cleaners or other mechanical devices.

Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing vehicles.

Basement: A basement shall be counted as a story if over fifty (50) percent of its height, or five feet is above the level from which the height of the building is measured, or if it is used for business purposes. A basement shall not be counted as a story nor is it intended or designed to be used or occupied as a place of primary domicile unless it conforms to building code provisions governing ingress, egress, light and ventilation. (Refer to sketch for example.)

Bed and Breakfast: A use in which transient guests are provided a sleeping room and or board in return for payment.

Bedroom: A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes, by human beings.

Board of Appeals: Shall mean the Zoning Board of Appeals for St. Clair Township.

Boarding House: An establishment or building where meals lodging or both, are provided for compensation

- A. by pre-arrangement and without limitations or time periods involved;
- B. with meals, lodging or both, for compensation other than in dwelling units as defined herein; and
- C. for a total of five (5) to nineteen (19) roomers, boarders or both.

This definition shall include rooming house or tourist home.

Buffer Strip: Is a designated area setback from the property or right of way line a specific distance as required by the ordinance due to conflicting uses. The area may be landscaped or consist of a wall or screen to block the affect of the adjacent use.

Building: Any structure, either temporary or permanent, having a roof and enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed or intended for the shelter, support and enclosure of Persons, animals, chattels, or property of any kind. This shall include tents or vehicles situated on private property and used for purposes of a building.

Building Height: The vertical distance measured from the grade to the highest point of the roof surface for flat roofs; to the deck line or ceiling height of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs, or to a point equivalent to the foregoing on any other roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (Refer to sketch for example.)

Building inspector: The Building Official of the Township of St. Clair and any of his aides.

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated.

Cellar: See definition of "Basement."

Clinic: An institution providing diagnostic, therapeutic, or preventative out-patient treatment by a state licensed professional doctor or a group of such doctors in the same building.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like whose facilities are available only to a limited number of members and guests.

Commission: Shall mean the Planning Commission of the Township of St. Clair.

Common Elements: means the portions of the condominium other than the condominium units.

Compost: A complex, highly stable material formed as a result of the breakdown or decomposition of compostable materials; the end product of the composting process; also known as humus.

Compostable Material: Compostable or organic matter and material shall include typical yard wastes and clippings such as and limited to leaves, grass clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge, or garbage.

Composting: A yard waste management alternative to burning and/or land filling in which compostable yard waste is collected, processed, and recovered as a resource rather than disposed of. Involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions. Sheet composting shall not be considered a permitted use.

Condominium Act: means Public Act 59 of 1978, as amended.

Condominium Subdivision: for the purposes of this ordinance, a condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Township Subdivision Control Ordinance. If no Township Subdivision Control Ordinance is in effect, the term shall be equivalent to the term "subdivision" as used in the Subdivision Control Act (Public Act 288 of 1967, as amended.)

Condominium Subdivision Plan: means the site, survey, and utility plans; floor plans and sections, as appropriate (if buildings are proposed), showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Contaminants: Material received along with the yard wastes which cannot be composted and, therefore, shall be removed from the yard wastes in preparation for composting. Contaminants include, but are not limited to: plastic bags, string or wire used to bundle brush, cardboard boxes, burlap wrapping, etc.

Court: An open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two (2) sides by the walls of a building. A court having at least one (1) side thereof opening on to a street, alley, or yard or other permanent open space is an outer court. Any other court is an enclosed or an inner court.

Density: This refers to the number of families residing on, or dwelling units developed on an acre of land.

Display, Outside: The outdoor standing or placement of immediately usable goods which are available for sale, lease, or rental and which are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

District: A portion of the unincorporated area of the Township within which certain regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.

Drive-In: Any business establishment developed, intended, designed or arranged to be used such that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, regardless of whether self-servicing is involved.

Driveway: A passage of definite width, primarily for use by motor vehicles, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.

Dwelling, Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy or domicile on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

Dwelling, Multiple-Family: A building or portion thereof containing three or more dwelling units and used or designed as a primary place of domicile for three (3) or more families. The term includes co-operative apartments, condominiums, and the like. For purposes of this Ordinance, regardless of how the units are equipped, any multiple-family dwelling in which units are available for rental periods of less than one (1) week shall be considered either a hotel or motel as defined herein.

Dwelling, Two-Family (Duplex): A building designed for or occupied exclusively by not more than two families.

Dwelling, One-Family: A detached building entirely separated from other buildings or structures on adjacent lots designed for or occupied exclusively by one family. For regulatory purposes, the term is not to be construed to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which are required for the construction. Excavation, grading, fill, drainage and the like shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electricity, steam, fuel 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 and other similar equipment and accessories in connection therewith, as may be reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare; but not including transmission towers, or high pressure gas lines, buildings, or structures. This phrase shall also mean the use of land, buildings and structures for municipal facilities that have been approved by the Township board after receiving a report and written recommendation from the Planning Commission.

Excavation: Any breaking of ground except common household gardening and ground care incidental to maintaining and improving landscaping.

Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit with a common kitchen and related by blood, marriage, or legal adoption, including domestic employees and temporary guest. Any group of persons not so related, but inhabiting a singles dwelling, shall for the purpose of this ordinance be considered to constitute one (1) family for each two (2) persons.

Family Day Care Home: "A private home, in compliance with all State and Federal licensing and regulation requirements, in which twelve (12) or less minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. 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."

Farm: For the purpose of this Ordinance shall mean a legal tract or joint tract of land on which plants, animals, buildings, structures, including ponds and the equipment customarily incidental to a farm, is used for agriculture as defined in this ordinance, as well as aquacultural activities.

Farming: For the purpose of this Ordinance shall mean the active operation and timely pursuit of agriculture as defined in this Ordinance, and aquaculture, on a farm, as defined in this Ordinance.

Feed Lot: A feed lot shall be determined to be any of the following facilities:

- A. Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail;
- B. Any structure, pen or corral wherein relatively large numbers of cattle, horses, sheep, goats, and swine are maintained in very close quarters and where it can be reasonably presumed that the keeping of said livestock in such conditions would create conditions and characteristics which could not be contained within the limits of the property and which would constitute a nuisance to other property owners and persons within the immediate vicinity.

Fence: The term "fence" shall include a barrier constructed, planted, or otherwise erected by employing processed wood, chain link, masonry, wrought iron, or resin based materials, decorative hedge, ornamental tree row, or other similar materials or plantings, or any combination of, for purposes of enclosing property and/or specific areas within property boundaries.

Flood Plain: Is deemed to mean that area of land adjoining the Pine River, it's tributaries and other natural water courses within the township which are subject to seasonal or periodic flooding as established by the

profiles in the report of the Soil Survey of St. Clair County, Michigan as issued May 1974, or flood maps prepared in conjunction with the National Flood Insurance Program.

Floor Area, Gross (GFA): See “Gross Floor Area.”

Floor Area, Useable (UFA): See “Useable Floor Area.”

Foster or Other Care Homes: “Any installation, building or structure other than a hospital, having as it’s primary function the rendering of nursing care or supervision for extended periods of time to children, the elderly, or persons afflicted with illness, injury or infirmity inclusive of facilities for special treatment of various kinds of medical problems – mental retardation, various psychiatric problems, contagious disease, alcoholic difficulties, drug addiction, and various other diseases. Any installation, building or structure occupied or so designed with sleeping rooms where persons unrelated to a resident family by blood or legal adoption are residing or lodged for purposes of supervision, care or education.”

Frontage: That portion of any property abutting a private or public street; a corner lot and a through lot have frontage on both abutting private or public streets.

Garage, Private: A private garage is an accessory structure situated on the same lot as the principal building primarily for the storage of private passenger motor vehicles, or for the private non-commercial use solely of the owner or occupants of the principal building with no provision for repairing or servicing such vehicles for profit.

Garage, Repair: Any building or structure used for the commercial storage or care and maintenance of motor driven vehicles or where such vehicles are equipped for operation. The term includes any building or structure where along with the normal activities of an automobile service station, any and all vehicular repair activities are carried out on a commercial basis.

General Common Elements: This means the common elements other than the limited common elements listed in the Condominium ordinance.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building. Buildings located on water shall use the level set by nearest “base flood” elevation as described on the Flood Insurance Rate Map as the grade.

Greenbelt: A strip of land of definite width and location reserved for planting of shrubs, trees, or both, to serve as an obscuring screen or buffer in carrying out the requirements of this Ordinance.

Gross Floor Area (GFA): Is the sum of the horizontal areas of each story of the dwelling unit and shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, common halls and stairways in two-family or multiple-family structures and enclosed and unenclosed porches.

Health Authority: The authority and his designated agents, being full-time administrative officers of an approved Township, county or district board or department of health, delegated this authority by the state.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hospital: An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities, e.g., laboratories, out-patient department, training facilities, central services and emergency facilities, staff offices which are an integral part of the facilities and staff dormitories or other on-site staff living accommodations.

Hotel: An establishment where transient lodging is provided for compensation other than in dwelling units a defined herein. Unless otherwise specified by district regulations, hotels may serve meals to both occupants

and others. For purposes of this Ordinance, the term "hotel" shall be construed to include motel, motor court, auto court, tourist court, motor lodge, and similar facilities.

Junk Yards: A discernable open area or tract of land where waste or scrap materials are brought or sold, collected, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile salvage or wrecking yards and includes any discernable outdoor area for storage, keeping or abandonment of junk.

Kennel, Commercial: Any lot or premises on which four (4) or more dogs, cats, other fur-bearing animals which are expressly boarded or bred for remuneration or kept for purchase or sale.

Landing Field, Personal Use: Any location, either on land or water, which shall be used for the landing or take-off of aircraft with safety, solely for the personal use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.

Landscaping: The treatment of the ground surface with live or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines, and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of landscaping but such structural features alone shall not meet the spirit and intent of landscaping requirements.

License: In the context of the provisions of Michigan Public Act 419 of 1976, as amended, means a written license issued by the Mobile Home Commission, allowing a person to operate and maintain a mobile home park.

Limited Common Elements: means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners of a condominium development.

Livestock: Means those species of air breathing animals, fish and other water breathing marine animals, bred and raised for human food and fiber, or those species of animals used for service to humans. Livestock includes, but is not necessarily limited to, bovine including bison, camelids (new world), cervids (privately owned), equine, fish and related water breathing animals, goats, poultry, rabbits, ratites such as Ostriches, sheep, and swine, but not including dogs and cats.

Loading Space: A hard surfaced or chemically treated off-street space on the same lot with a building or group of buildings, for the temporary parking of commercial vehicles while loading or unloading materials or merchandise.

Lot: A portion or parcel of land considered as a unit for building (development) purposes. Any parcel or tract of land occupied, or intended to be occupied by a main building, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot shall have frontage upon a private or public street or officially approved thoroughfare, and may consist of:

- A. A single lot.
- B. A portion of a lot of record.
- C. A combination of complete lots of record or portions of lots of record.
- D. A parcel or tract of land described by metes and bounds.
- E. A lot may or may not be specifically designated as such on public record.

Lot Area: The total horizontal or surface area within the defined lot lines of a lot and, as a unit of measure, commonly expressed in square feet.

Lot, Corner: A lot with at least two (2) adjacent sides facing a private or public street or officially approved thoroughfare.

Lot Coverage: That surface area or portion of a lot occupied by buildings or structures, inclusive of accessory buildings and structures and, as a unit of measure, determined by dividing the ground floor area of all buildings and structures on a lot by the lot area.

Lot Interior: A lot other than a corner lot or through lot as defined herein. (Refer to sketch)
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Lot Lines: The lines defining the limits of a lot as defined herein:

Lot Line, Front: In the case of an interior lot, is that line separating said lot from the public right-of-way (street), private road or other officially approved thoroughfare. In the case of a corner lot, are those lines separating said lot from the public right-of-way (street), private road or other officially approved thoroughfare.

Lot Line, Rear: That farthest lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10') feet long, lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line other than the front lot line or rear lot line as defined herein. A side lot line separating a lot from another lot or lots, is an interior side lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a recorded plat (subdivision) on file with the County Register of Deeds, at the time of inception of this Ordinance, or in common use by Township or County officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot, Through: Any interior lot having frontage on two (2) more or less parallel public or private streets or officially approved thoroughfares and distinguishable from a corner lot. (Refer to sketch for example.)

Lot, Waterfront: A lot which abuts, adjoins, or is contiguous to a private or public body of water or live stream.

Lot Width: Shall be the minimum required horizontal distance between the side lot lines, measured between the two points where the minimum required set back line intersects the side lot line.

Lots Having River Frontage: Those residential lots and/or parcels having river frontage and abutting a public thoroughfare shall maintain the yard on the river as an open, unobscured yard, except that a covered and/or uncovered boat well shall be permitted subject to the provisions of the ordinance regarding Waterfront Lots.

Main Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Major Road: Any public street intended to serve both the immediate area and region beyond with an existing or proposed right-of-way of at least sixty six (66') feet.

Major Thoroughfare: Any public street which is intended to serve as a large volume trafficway for both the immediate area and region beyond and with an existing or proposed right-of-way of one hundred and twenty (120') feet or more, equivalent term to identify those streets comprising the basic structure of the Township's Thoroughfare Plan.

Manufactured Housing: For the purpose of this Ordinance manufactured housing shall be subject to the same provisions as conventional (on-site "stick-built") housing and shall be permitted as a use wherever conventional housing is permitted so long as it conforms to the provisions of the Township Building Code. Manufactured housing shall include modular pre-fabricated units, units constructed using pre-fabricated panels, and other such factory built systems or sub-systems, except that manufactured housing shall not include housing units such as, but not limited to: mobile homes, trailer coaches, or recreational vehicles which do not conform to the Township Building Code irregardless of the fact that they may conform to other government specifications or codes. For example, mobile homes (most of which would not meet the Township Building Code even though they may meet Federal or State standards relative to mobile homes) would not be permitted in all zoning districts permitting single-family dwellings unless expressly stated as a permitted or special approval use.

Marginal Access Street: A service street or roadway parallel to a major thoroughfare or arterial street and which provides access to abutting properties and protection from through traffic.

Master Deed: The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.

Master Plan: The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Municipality, and includes any unit or part of such plan, and amendment to such plan or parts thereof. Such plan or part thereof may or may not be adopted by the Planning Commission, Governing Body, or both.

Mezzanine: An intermediate level between the floor and ceiling of any story, and covering not more than thirty-three (33%) percent of the floor area of the room in which it is located.

Mobile Home Development: A parcel of land under single ownership which has been planned and improved for the placement of a mobile home for non-transient use, for the exclusive use of the owner, with other similar parcels of land in the adjoining properties.

Mobile Homes: Means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. "Mobile Home" does not include a recreational vehicle.

Mobile Home Lot or Site: A parcel of land for the placement of a single mobile home and the exclusive use of its occupants within a licensed mobile home park, in a condominium or subdivision project or development.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) 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.

Mobile Home Stand: That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

Motel: See definition of "Hotel."

Municipality: The Township of St. Clair.

Non-accessory Sign: A sign which directs attention to a business, commodity, activity, service or entertainment conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the sign is located.

Nonconforming Building: A building or structure or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of this Ordinance relative to height, bulk, area, or yards for the district in which it is located.

Nonconforming Characteristics of Use: Any ancillary characteristic of use or distinctive trait of a district such as, but not limited to, minimum off-street parking and loading requirements, access to site, minimum landscaping requirements or screening requirements, which are lawfully inadequate or totally lacking at the effective date of this Ordinance, or amendments thereto, and does not conform to the present characteristic of use prescribed by this Ordinance.

Nonconforming 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 district in which it is located.

Nursery Schools, Day Care Centers: "A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardian are not immediately available to the child. The definition includes a facility which provides care for not less than two (2) 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. The definition does not include a Sunday 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.”

Off Street Parking Lot: A discernable tract of land other than a street, designed and used exclusively for the limited standing or placement (parking) of three or more motor vehicles specifically in use to transport people, goods or material in the conduct of normal daily activities. An off-street parking lot provides vehicular parking spaces along with adequate drives and aisles for maneuvering, and entrances and exits giving access thereto.

Outlot: The remaining unplatted portion of a partially platted parcel of land.

Parking Space: An area of definite length and width required for parking a motor vehicle.

Ponds: Any soil excavation, digging, or grading, resulting in a substantial accumulation or ponding of surface water or pumped water.

Practical Difficulty: One of the prerequisites, which determined to exist in fact, prior to the granting of a variance from the strict letter or literal interpretation of the provisions of this Ordinance. Generally, the term implies that a specific property, building or structure cannot reasonably or, as a practical matter, be used for a permitted use without coming into conflict with certain of the restrictions of the Ordinance, such as but not limited to, set back and area restrictions or those affecting bulk or density.

Private Road: A thoroughfare other than a street as defined herein which affords a private means of access to abutting property. The term includes any such thoroughfare where maintenance and responsibility is provided by other than the public at large.

Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. A Public Utility shall not include cellular telephone facilities including cellular telephone transmitting towers or commercial broadcast television and radio facilities.

Screening Device: Any fences, walls, buffer strips or other barrier that divides or conceals one use from another for physical or visual purposes.

Setback: The horizontal distance required for structures to be set back from property lines to obtain the minimum front, side and rear open space requirements of this Ordinance. The term “setback” is synonymous with the term “building line”. (Refer to sketch for example.)

Sign: A name, identification, image, description, display, figures or illustration which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and materials without lettering placed behind a store window are not signs or parts of signs.

Site Condominium: For the purposes of this Ordinance, a site condominium is a subdivision of land created and recorded pursuant to the Condominium Act (P.A. 59 of 1978 , as amended), and the provisions of this Ordinance, containing two (2) or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements. Except as otherwise specifically provided, a condominium unit is not a “lot” or “parcel” as those terms are used in this Ordinance.”

Sheet Composting: The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.

Special Exception: A special exception is an exclusion from a general rule which is provided for by the terms of this Ordinance. The most common special exception generally cited is the allowance for the height of a church steeple as distinguished from the general allowable height restrictions of buildings in an otherwise low-profile single-family residential zoning district.

Special Use Approval: The granting of a use not principally permitted in an area, its installation and operation being subject to extra standards and conditions to ensure compatibility with the area and adjacent uses.

Staging Area: An area designated for the storage of compost material in various stages of treatment.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is not floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50%) percent, by cubic content, is below the height level of the adjoining ground. (Refer to sketch for example.)

Story, Basement: See "Basement." (Refer to sketch for example.)

Story, Half: The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clean height of at least seven feet six inches (7 ft 6 inches).

Street: A public thoroughfare, other than an alley, which affords the principal means of access to abutting property. Access to property by means of private drive, private roadways, or other vehicular access ways (such as private drives in multiple-family developments) and where maintenance is provided by other than the public-at-large shall not be considered as streets under this definition. (See definition of "Private Road.") Except that, in the case of a "site condominium," as defined and as regulated by this Ordinance, the principal means of access to abutting "units of ownership" shall be considered a street, provided it is constructed and maintained to meet the same standard for public streets within the Township, as established by the St. Clair County Road Commission or by the Township, whichever standard shall be higher. Said streets within a "site condominium" may be dedicated to the public or owned and maintained by the association of co-owners."

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Temporary Buildings and Uses: The Zoning Board may permit temporary buildings and uses for period not to exceed ninety (90) days.

Tipping: The dumping or depositing of compostable material within a compost yard.

Trailer Court, Campground: Any parcel or tract of land upon which two (2) or more travel trailers, truck campers, tents or other similar portable units are placed, regardless of whether a charge is made thereof. The term also includes any building, structure, enclosure, driveway, equipment or facility used or designed and intended for use incident to temporary living purposes in connection with the recreational pursuits or mode of travel of the general public.

Usable Floor Area (UFA): For the expressed purpose of computing parking requirements, usable floor area is the gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings measured from the interior face of the exterior walls and which may be made usable for human habitation but excludes the horizontal floor area of heater rooms, mechanical equipment rooms, unfinished attics, unenclosed porches, light and ventilation shafts, public corridors, public stair wells, and public toilets. (Refer to sketch for example.)

Use, Change of: A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of:

- A. A discernible increase in the intensity of use which by Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or
- B. An alteration by change of use in a building heretofore existing to a new use group, as defined in the Township's Building Code, which imposes other special provisions of law governing building construction, equipment or means of egress.

Use, Increase in the Intensity of: A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.

Unnecessary Hardship: One of the requisites, which must be determined to exist in fact, prior to the granting of a variance from the strict letter or literal interpretation of the provisions of this Ordinance. Generally, the term refers to a change in use and implies that the land or building in question cannot yield a reasonable return if used only for a purpose allowed in that zone.

Variance: A modification or deviation from the strict letter or literal interpretation of the provisions of the zoning Ordinance. A variance can be granted only with respect to particular property as to which either practical difficulty or unnecessary hardship is found to exist.

Windrows: A long row of compost material left to dry naturally in the wind.

Woodlot: Shall mean a parcel of land or contiguous parcels of land comprising two (2) or more acres, fifty (50) percent of which is covered by tree canopy from one or more groups of trees which have a natural understory which the remainder of the parcel or parcels that is not under or within the tree canopy is covered with other natural vegetation or land area of no minimum or maximum acreage limitation, which demonstrates high environmental value due to unusual topography, diversity of habitat, unique visual beauty, rare plant species or unusually large trees.

Yard: An open, unoccupied and unobstructed space, extending from the ground (grade) upward, other than a court as defined herein, on the same lot with a building or group of buildings or structures. (Refer to sketch for example.)

Yard, Front: An open, unoccupied and unobstructed space extending the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest exterior face of a building. (Refer to sketch for example.)

Yard, Rear: An open, unoccupied and unobstructed space extending the full width of a lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest exterior face of building. (Refer to sketch for example.)

Yard, Side: An open, unoccupied and unobstructed space extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and the nearest exterior face of a building. (Refer to sketch for example.)

Yard Waste: Yard wastes shall be limited to leaves, grass clippings, vegetable or other garden debris, shrubbery or brush, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, agricultural wastes, animal waste, sewage sludge, or garbage.

Zone: A section of the Township for which the regulations governing the height, area, use, structure or size of buildings are the same.

Zoning Administrator: The Zoning Administrator shall be designated by the Township Board. When used in the context of enforcement of this ordinance the term may be interpreted to include a code enforcement officer, a building official or other designated officials of the Township.