

CHAPTER 2 **DEFINITIONS**

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

SECTION 2.01 ACCESSORY BUILDING A building or structure, or a portion thereof, on the same lot with a main building, occupied or devoted to a subordinate or accessory use. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered a part of the main building. A "Garage, Private" and "Greenhouse, Private" are considered to be an Accessory Buildings.

SECTION 2.02 ACCESSORY STRUCTURE A subordinate or supplemental structure, not including a building, located on the same lot as the principal building. Accessory structures include, but are not limited to playground equipment, children's play houses, sports courts, swimming pools, pet accommodations, radio and television antennas, decks and patios and similar types of structures. Sidewalks, handicap ramps and barrier free design facilities providing access to a building, driveways, fences, light posts, utility poles and signs are not considered accessory structures and are excluded from regulation unless specifically stated otherwise in other sections of this ordinance.

SECTION 2.03 ACCESSORY USE A use naturally and normally incidental, ancillary, and subordinate to the main use of the premises.

SECTION 2.04 ADULT DAY CARE FACILITY An establishment having as its principal function the receiving of one (1) or more persons 18 years of age or older for the provision of supervision, personal care and protection for periods of less than 24 hours a day, four or more days a week for two or more consecutive weeks. Adult day care facilities may be further defined as follows:

- A. **Adult Day Care Center:** A facility other than a private residence, receiving more than six adults for group care periods of less than 24 hours a day.
- B. **Adult Family Day Care Home:** A private residence in which one but less than seven adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption.
- C. **Adult Family Group Day Care Home:** A private residence in which more than six but not more than 12 adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption.
- D. **Adult day care facilities do not include adult foster care facilities or child care organizations as defined in this Chapter.**

SECTION 2.05 ADULT FOSTER CARE FACILITY An establishment having as its principal function the receiving of persons 18 years of age or older for the provision of supervision, personal care and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation, as licensed and regulated by the state under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the

Department of Human Services. Such facilities shall not include those types of facilities excluded in MCL 400.703(4)(a)-(i) but shall include and may be further defined as follows:

- A. "Adult foster care camp" or "adult camp" means adult foster care facility with the approved capacity to receive more than 4 adults to be provided foster care. An adult foster care camp is a facility located in the natural or rural environment.
- B. "Adult foster care congregate facility" means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
- C. "Adult foster care family home" means a private residence with the approved capacity to receive 6 or fewer adults to be provide with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- D. "Adult foster care large group home" means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

SECTION 2.06 AGRICULTURE The cultivation, tilling or use of land for the purpose of producing crops therefrom, or of horticulture, animal husbandry, and all uses permissible under the definition of "farm" as contained in the chapter.

SECTION 2.07 AIRFIELD – A privately or publicly owned parcel of land that is used for the landing, take off, parking and fueling of aircraft. Related buildings and services only include hangars for the storage of aircraft and aircraft fueling facilities.

SECTION 2.08 AIRPORT – An area of land that is used for or incidental to the landing, take off and parking of aircraft, including buildings and facilities. For the purposes of this definition airport related buildings and facilities may include control towers, passenger terminal buildings, fixed base operators, hangars, rental car facilities, aircraft fueling facilities, air cargo facilities, fire and rescue equipment and facilities, visual and electronic navigational aids, meteorological equipment and stations, airport maintenance facilities and buildings, automobile parking for employees and passengers, viewing areas and contiguous reserve land held for such uses and purposes.

SECTION 2.08A ANIMALS – For the purposes of the regulations in this Zoning Ordinance, the following definitions of animals shall apply:

- A. Domestic animals mean an animal that the Township determines is not likely to bite without provocation nor cause death, maiming or illness of a human, including but not limited to the following animals:
 - 1. Bird (caged)
 - 2. Cat (domestic)
 - 3. Chinchilla
 - 4. Ferret
 - 5. Dog (domestic)
 - 6. Fish
 - 7. Lizard (non-venomous)
 - 8. Snake (non-venomous)
 - 9. Spider (non-venomous or non-poisonous)
- B. Farm animal means any horse, swine, cattle, sheep, goat, llama, chicken, goose, duck, or turkey. Farm animal also means any other animal, raised for commercial profit, slaughter, or more than two breeder rabbits.
- C. Wild animal means any animal that is not a domestic animal or farm animal as defined in this Section.

SECTION 2.09 ARCADE Any building, structure, premises, or part thereof, in which are located for public use six or more coin operated amusement devices.

SECTION 2.10 APARTMENT BUILDING – Refer to : “Dwelling – Multiple Family” as defined in this Chapter.

SECTION 2.10A AVERAGE GRADE – The elevation of the surface of the earth or finished material located immediately adjacent to a structure. Where the grade is not approximately level, the average grade shall be determined by averaging the elevations measured at one point on each side of the building located one-half the distance between the corners of each side of the building.

SECTION 2.11 AUTOMOBILE GAS STATION - A building or structure used for the retail sale of fuel and lubricants for motor vehicles. A gas station shall not include vehicle repair, oil change, or lubrication, automobile laundry, or any other service to motor vehicles, nor shall it include a bulk fuel distribution facility.

SECTION 2.12 AUTOMOBILE REPAIR - MAJOR Any activity involving the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision servicing, including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle rust-proofing; and similar activities.

SECTION 2.13 AUTOMOBILE REPAIR - MINOR Any activity involving minor repair to motor vehicles and the replacement of parts for such vehicles, provided, that in no case shall any operation specified under "Automobile Repair - Major" be included.

SECTION 2.14 AUTOMOBILE SERVICE STATION A structure or structures and space combined and used solely for servicing motor vehicles with the usual operating commodities such as gasoline, oil, batteries, tires, and other minor accessories, or services such as hand washing, waxing, and lubricating, and in connection with which there is no major repair or refinishing of motor vehicles, except that the repair of tires, lights, changing of batteries, or minor automobile repairs and adjustments shall be permitted.

SECTION 2.15 AUTOMOBILE WASH ESTABLISHMENT A building, or portions thereof, the purpose of which is to manually or automatically wash vehicles.

SECTION 2.16 BASEMENT A portion of a building located totally below, or partly below and partly above grade, where the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

SECTION 2.16A BED & BREAKFAST ESTABLISHMENTS. A use which is subordinate to the main use of the dwelling unit as a single family residence which offers sleeping accommodations to transient tenants in ten (10) or fewer rooms for rent, at the innkeepers residence in which the innkeeper resides while renting the rooms to transient tenants and serves breakfast at no extra cost to its transient tenants.

SECTION 2.17 BILLBOARD Refer to Section 28.02

SECTION 2.18 BOARD or TOWNSHIP BOARD The Plainfield Charter Township Board of Trustees.

SECTION 2.19 BOARDING HOUSE Also referred to as a lodging house, rooming house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging, or lodging and meals, for pay or compensation of any kind on a weekly or longer basis to more than two persons other than members of the family occupying such dwellings.

SECTION 2.19A BUFFER ZONE A strip of land abutting exterior boundaries of a lot (including any right-of-way line) and reserved solely for plant material or fencing (if otherwise permitted), to be used as a visual, sound, or privacy barrier.

SECTION 2.20 BUILDABLE AREA The developable area of a lot is the space remaining after the minimum yard and open space requirements of this ordinance have been complied with.

SECTION 2.21 BUILDING Any structure having a roof.

SECTION 2.22 BUILDING HEIGHT The vertical distance measured from the average grade elevation of the surface of the ground or finished material anywhere around the perimeter of a building, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to a point which is half way between the eaves and the ridge of gable, hip, or gambrel roofs.

SECTION 2.23 BUILDING, MAIN OR PRINCIPAL A building in which is conducted the principal use of the lot upon which it is situated.

SECTION 2.24 BUILDING PERMIT The written authority as issued by the appropriate officer of the Township permitting the construction, moving, alteration or use of a structure in conformity with the provisions of this Ordinance.

SECTION 2.25 BUILDING SETBACK The distance between the lot line and the nearest point of any building or structure, including such things as a building facia and soffit, overhangs and bay windows, provided, however, the distance shall be measured from the street right-of-way on any lot line abutting a public street or private road.

SECTION 2.26 BUILDING SETBACK LINE The line situated at ground level being parallel to the lot line or street right-of-way line, which defines the actual distance of the nearest point of a building or structure from a street or property line.

SECTION 2.27 BUILDING SETBACK LINE, MINIMUM The line situated at ground level, parallel to the street right-of-way line or property line, which defines the part of a lot within which no part of a building or structure shall project or be located except as otherwise provided by this Ordinance.

SECTION 2.28 BULK STATION A place where crude petroleum, gasoline, naphtha, kerosene, benzene, or any other liquid such as will stand a test of 150DF, which is stored for wholesale purposes where the aggregate capacity of all storage tanks is more than 6,000 gallons.

SECTION 2.29 CARWASH Refer to: "Automobile Wash Establishment"

SECTION 2.30 CHILD CARE ORGANIZATIONS A facility for the care of persons under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 as amended. 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 (6) pre-school 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

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
 2. A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.
- B. "Foster family home" A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the Michigan Adoption code, chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are give care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- C. "Foster family group home" A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the Michigan Adoption Code, chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70 are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- D. "Family day care home" A private home in which 1 but fewer than 7 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. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
- E. "Group day care home" A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

SECTION 2.31 COIN OPERATED AMUSEMENT DEVICE Any amusement machine or device operated by means of insertion of coin, token, or similar object, for the purpose of amusement or skill. (this definition shall not include coin operated music devices or machines dispensing food, drink, or miscellaneous items.)

SECTION 2.32 COMMISSION OR PLANNING COMMISSION The Planning Commission for Plainfield Charter Township.

SECTION 2.33 CONDOMINIUM Means a form of ownership which includes a divided interest in a building and/or lot and an undivided interest in all other lands and improvements, which are maintained through an association of co-owners. This form of ownership is most often applied to multi-family residential uses; however, it also can apply to single-family homes, commercial and industrial developments, boat slips, and many other land uses.

SECTION 2.34 CONDOMINIUM ACT Means Public Act 59 of 1978, as amended.

SECTION 2.35 CONDOMINIUM DWELLING Means the structure built upon a lot or condominium unit which is intended for residential purposes.

SECTION 2.36 CONDOMINIUM PROJECT PLAN Shall include all of the following as required in Section 66 of the Condominium Act as amended, being P.A. 59 of 1978.

- A. Cover sheet.
- B. A survey plan.
- C. A flood plain plan if condominium lies within or abuts a flood plain area.
- D. A site plan.
- E. A utility plan.
- F. A floor plan.
- G. The size, location, area and horizontal boundaries of each condominium unit.
- H. A number assigned to each condominium unit.
- I. The vertical boundaries and volume of each unit comprised of enclosed air space.
- J. Building sections showing the existing and proposed structures and improvements, including their location on the land. Any proposed structure and improvement shown shall be labeled either a “must be built” or “need not be built” to the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping and an access road, the same shall be shown and designated as “must be built”, but the obligation to deliver such items exists whether or not they are shown and designated.
- K. The nature, location, and approximate size of the common elements.

SECTION 2.37 CONDOMINIUM UNIT Means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

SECTION 2.38 CONDOMINIUM COMMON ELEMENTS The portions of the condominium project other than the condominium units.

SECTION 2.39 CONDOMINIUM LIMITED COMMON ELEMENTS The portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.

SECTION 2.40 CONDOMINIUM LOT For purposes of determining zoning compliance of site condominiums, the term “lot” as defined in Section 2.76 shall mean an individual condominium unit along with any limited common element or general common element.

SECTION 2.41 CONDOMINIUM GENERAL COMMON ELEMENTS The common elements other than the limited common elements.

SECTION 2.42 CONDOMINIUM MOBILE HOME PROJECT A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

SECTION 2.43 CONDOMINIUM MASTER DEED Means the condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

SECTION 2.44 CONDOMINIUM SUBDIVISION Shall be a division of land on the basis of condominium ownership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

SECTION 2.45 CONDOMINIUM; MULTIPLE FAMILY CONDOMINIUM PROJECT A building or portion thereof which contains two (2) or more dwelling units.

SECTION 2.46 CONDOMINIUM; SINGLE FAMILY CONDOMINIUM A condominium project in which each dwelling unit constitutes a separate and unattached building.

SECTION 2.47 CONVALESCENT HOME, NURSING HOME OR HOME FOR THE AGED An institutional facility other than a private home or facility defined in this Chapter having as its principle function the provision of care, and supervision of individuals for 24 hours a day and which are licensed under Article 17 of the Public Health Code, Act No. 368 of 1978, as amended.

SECTION 2.48 CURB LEVEL The mean level of the established curb in front of the building.

SECTION 2.49 DECK A raised platform structure without walls or roof. A deck may include a railing not exceeding a height of four feet above the platform or privacy type structure (i.e. lattice) not exceeding of height of eight feet above the platform.

SECTION 2.50 DIMENSIONAL NON-CONFORMITY Refer to: "Non-conforming Building, Parcel or Structure" as defined in this Chapter.

SECTION 2.51 DISTRICT OR ZONE A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations apply under the provisions of this Ordinance.

Section 2.52 DRIVE-IN RESTAURANT OR REFRESHMENT STAND Any place or premises used for the sale, dispensing, or serving of food or refreshments where consumption may be other than solely within a building on the premises.

SECTION 2.53 DWELLING, DWELLING UNIT, APARTMENT A building or portion thereof containing independent cooking and sleeping facilities and constituting a separate, independent housekeeping establishment, including mobile homes, one-family, two-family and multiple-family buildings, but not including motels, tourist rooms or trailers.

SECTION 2.54 DWELLING, MOBILE HOME A vehicular portable structure built on a permanent chassis which, in accordance with Section 6.03 (6) of the National Manufactured Housing and Safety Standards Act of 1974, being 42 USC & 5401 through 5426, cannot be removed, and designed to be used with or without a permanent foundation as a dwelling when connected to required utilities and which is or is intended to be attached to the ground, to another structure, or to a utility system on the same premises for more than thirty (30) consecutive days; and which is registered with the State of Michigan, for which a certificate of title is granted, and, further, is constructed to the minimum standards as required by the Department of Housing and Urban Development.

SECTION 2.55 DWELLING MODULAR OR PRE-MANUFACTURED Modular or pre-manufactured is an assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structure, by a repetitive process under circumstances intended to insure uniformity of quality and material content. All pre-manufactured units shall be constructed to the minimum

construction standards as promulgated by the State of Michigan, State Construction Codes for Pre-Manufactured Units, and shall have a certificate of compliance to those standards affixed to each unit as prescribed by state regulation or, in the alternative, be constructed to the minimum construction codes as adopted by the Township from time to time, prior to placement within the Township unless a pre-manufactured unit meets the definition of a mobile home and is placed within the township as a mobile home.

SECTION 2.56 DWELLING, MULTIPLE A building or portion thereof containing three or more dwelling units. This shall include apartment houses, townhouses and condominiums, but does not include mobile home parks.

SECTION 2.57 DWELLING, SINGLE FAMILY A detached building, used or designed for use as a single dwelling unit by one family.

SECTION 2.58 DWELLING, TWO FAMILY A detached building containing two dwelling units. It may also be termed a duplex.

SECTION 2.59 ERECTED Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered part of erection.

SECTION 2.60 ESSENTIAL SERVICES Refer to: "Public Services – Essential" as defined in this Chapter.

SECTION 2.61 FAMILY One or more persons related by blood within the second degree of consanguinity, marriage or adoption or direct lineal descendants, adopted children and legally placed foster children and wards, together with not more than two persons not so related, living and cooking together in a single housekeeping unit. Additional person or persons not so related or associated living in such housekeeping unit shall be considered a separate family. A number of persons not to exceed two living and cooking as a single housekeeping unit though not related by blood within the second degree of consanguinity, marriage, or adoption shall be deemed to constitute a family.

SECTION 2.62 FARM All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is conducted, provided that the area thereof is a minimum of ten acres. For the purpose of the ordinance, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, livestock and poultry farms, private stables, and apiaries; but establishments for the purpose of raising fur-bearing animals, operating fish hatcheries, stone quarries, or gravel, sand or dirt pits shall not be considered farms. The words "agriculture" and "farming" shall be considered as synonymous.

SECTION 2.63 FARM BUILDING Any building or structure, other than a dwelling unit, which is used incidental to the farm use, such as a barn for the housing and care of farm animals, grain bin, silo, or farm vehicle or implement storage building.)

SECTION 2.64 FARM MARKET Refer to: "Roadside Stands" as defined in this Chapter.

SECTION 2.65 FENCE Any permanent barrier, partition, or structure erected as a dividing structure, or as an enclosure, and not part of a structure requiring a building permit. Fence does not include a retaining wall.

SECTION 2.66 FISH HATCHERY A fish farm facility intended for the propagation and rearing of fish.

SECTION 2.67 FLOOR AREA, NET – NON DWELLINGS The area of all floors in a building computed by measuring the dimensions of the outside walls or from the center lines of common walls of a building excluding elevator shafts, stairwells, floor space used for basic utilities such as heating and cooling equipment, mezzanines, attics or portions thereof with a headroom of less than seven and one-half feet, verandas, porches, patios, carports, parking garages, terraces, atriums, and decks.

SECTION 2.68 FLOOR AREA OF DWELLINGS The area of all floors computed by measuring the dimensions of the outside walls of a building or from the center lines of common walls excluding porches, patios, terraces, breezeways, carports, verandahs, garages, basements, or portions thereof not meeting Township Building Code requirements for ingress and egress and attics or portions thereof with headroom of less than seven and one-half feet.

SECTION 2.69 GARAGE, COMMERCIAL A building, other than a private garage, used for the care, repair, or equipment of motor vehicles, or where such vehicles are parked or stored for remuneration, hire, or sale.

SECTION 2.70 GARAGE, PRIVATE A detached building or portion of a principal building for the parking or temporary storage of vehicles used by the occupants of the principal building.

SECTION 2.71 GRADE a reference plane representing the average of finished ground level adjoining the building at all exterior walls.

SECTION 2.72 GREENBELT A planting or buffer strip, where required, shall be maintained in as good condition as when installed and shall be at least ten feet in width composed of deciduous trees interspersed with evergreen trees, said trees to be spaced not more than twenty feet apart. Deciduous trees shall be a minimum of eight feet in height and evergreen trees a minimum of five feet in height at the time of planting. The greenbelt shall also include at least one row of dense shrubs placed not less than five feet apart having a minimum height of three feet when planted.

SECTION 2.72A GREENHOUSE or PLANT MATERIALS NURSERY, PRIVATE An area, building, structure for the storage of live trees, shrubs or plants, offered for retail sale on the premises, including products for gardening or landscaping. The definition of greenhouse or nursery, within the meaning of this Zoning Ordinance, does include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees.

SECTION 2.73 HOME OCCUPATION Any profession or occupation conducted in a single family dwelling as an accessory use which is clearly incidental and secondary to the use of the dwelling.

SECTION 2.74 JUNK YARD An open space where waste, surplus, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including but not limited to house-wrecking and structural steel materials and equipment, automobile wrecking and other manufactured goods that are worn, deteriorated or obsolete.

SECTION 2.75 KENNEL Any place on which five (5) or more dogs, cats or other household pets four (4) months of age or older are kept either temporarily or permanently for any reason other than veterinary medicine, including boarding, breeding, or sale.

SECTION 2.76 LOT A plot, parcel, or unit of land having frontage and access upon a public or approved private street whether or not the plot or parcel is part of a recorded plat or site condominium project.

SECTION 2.77 LOT AREA The total area encompassed within the property lines of a lot excluding street rights-of-way, street easements, storm water retention or detention easements located on any lot, or any area that is a designated wetland.

SECTION 2.78 LOT, CORNER A lot located at the intersection of two streets which form an angle of one hundred thirty-five degrees or less.

SECTION 2.79 LOT COVERAGE The portion of a lot, stated in terms of percentage, that is covered by the area beneath the roof and its projection of all roofed structures located thereon. This shall be deemed to include all buildings, porches, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or full roofs, but shall not be deemed to include fences, decks without a roof, walls or hedges used as fences, or swimming pools with no roof.

SECTION 2.80 LOT DEPTH The horizontal distance between the front and rear lot lines, as measured along the midpoint between the side lot lines.

SECTION 2.81 LOT, INTERIOR A lot other than a corner lot.

SECTION 2.82 LOT, THROUGH An interior lot having frontage on two (2) streets.

SECTION 2.83 LOT LINES The property lines bounding the lot.

- A. Front lot line - The line separating such lot from the street right-of-way. In the case of a corner lot, the front lot line shall be the boundary adjacent to the narrowest improved street frontage, provided, however, where a front lot line has been established by the erection of a structure, such front lot line shall take precedence. In the case of a through lot, the front lot line shall be the boundary to which the building is oriented and if there is no building on the lot, the front lot line shall be established by the Building Inspector.
- B. Rear lot line - That lot boundary opposite and most distant from the front lot line. In the case of an irregular or triangular lot, the rear lot line shall be a line at least ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line. In cases where none of these definitions are applicable, the Building Inspector shall designate the rear lot line.
- C. Side lot line – Any lot line that is not a front or rear lot line.

SECTION 2.84 LOT - SUBSTANDARD Refer to: “Non-conforming” lot as defined in this Chapter.

SECTION 2.85 LOT WIDTH The horizontal distance between the side lot lines, measured at the two points where the building setback line intersects the side lot lines. The lot width shall not be diminished from the building setback line, throughout the entire depth of the building and from the rear wall of the building towards the rear lot line.

SECTION 2.86 LOT OF RECORD A tract or parcel of land which is part of a subdivision shown on a plat map or a unit in a site condominium project which has been recorded in the Office of the Register of Deeds for Kent County, Michigan or a tract or parcel of land described by metes and bounds which is the subject of a deed or land contract recorded at the Office of the Register of Deeds for Kent County, Michigan.

SECTION 2.86A MEDICAL MARIJUANA DISPENSARIES. Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, whether profit or nonprofit, where medical marijuana (also commonly known as marijuana or cannabis) is made available to, sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

- A. A registered primary caregiver (as defined by Michigan Initiated Law No. 1 of the Public Acts of 2008, as amended)

- B. A registered qualifying patient (as defined by Initiated Law No. 1 of the Public Acts of 2008, as amended).
- C. Members of the public.

A medical marijuana dispensary shall not include the dispensation of medical marijuana by a primary caregiver personally dispensing to not more than five qualified patients in strict accordance with Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marijuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Ordinance as well as all other applicable Township ordinances and applicable Michigan laws, rules, and regulations.

A medical marijuana dispensary shall also not include smoking, consuming, or use of medical marijuana by a primary qualifying patient in strict accordance with the Michigan Medical Marijuana Act, Michigan Initiated Law 1 of 2008, as amended, and the requirements of this Ordinance as all other applicable Township ordinances and applicable Michigan and federal laws, rules, and regulations.

A medical marijuana dispensary shall also not include the following uses that are in compliance with this Ordinance and all laws and rules in the State of Michigan, and intended for the on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility.

SECTION 2.87 MINI-WAREHOUSE A building or group of buildings in a fenced compound and with controlled access and which contain individual, compartmentalized, and locked units or lockers for the storage of personal property.

SECTION 2.88 MOBILE HOME Refer to: “Dwelling – Mobile Home” as defined in this Chapter.

SECTION 2.89 MOBILE HOME PARK A parcel 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 incidental to the occupancy of a mobile home and which is in accordance with the requirements of the Mobile Home Commission Act, being Act 419 of the Michigan Public Acts of 1976, as amended.

SECTION 2.90 MODULAR HOME Refer to: “Dwelling – Modular or Pre-Manufactured” as defined in this Chapter.

SECTION 2.91 MOTEL, MOTOR INN Group of furnished rooms or separate structures providing sleeping and parking accommodations for transient use, commonly known as motels or motor inns, and as distinguished from rooms in a residential building.

SECTION 2.92 NON-ACADEMIC SCHOOL Refer to: “School – Non-Academic Uses” as defined in this Chapter.

SECTION 2.93 NON-CONFORMING CURB CUT OR DRIVEWAY An existing curb cut or driveway providing access to a lot or parcel from a public or private street which at the time of the effective date of this Ordinance did not meet the minimum spacing and/or design requirements applicable to the district in which it is located.

SECTION 2.94 NON-CONFORMING LOT A legally existing lot at the effective date of this Ordinance which does not meet the requirements of the Ordinance because of inadequate lot area access, insufficient width, depth, area, or any combination thereof.

SECTION 2.95 NONCONFORMING USE Any building or land lawfully occupied by a use at the effective date of this ordinance, which does not conform after the passage of this ordinance or amendment thereto with the use requirements of the district in which it is situated.

SECTION 2.96 NON-CONFORMING BUILDING OR STRUCTURE Any building, lot, or structure that lawfully existed on the effective date of this Ordinance, or any amendment thereto, which does not conform after the passage of this Ordinance or amendment thereto with one or more of the physical requirements of the district in which the building, lot or structure is located. By way of example, non-conforming physical requirements include such things as building setbacks, parking facilities, landscaping and so forth.

SECTION 2.97 NURSERY, PLANT MATERIALS Refer to SECTION 2.72A.

SECTION 2.98 NURSING HOME Refer to SECTION 2.47, "Convalescent Home, Nursing Home or Home for the Aged."

SECTION 2.99 OPEN AIR BUSINESS Includes uses operated for profit substantially in the open air including:

- A. Bicycle, utility truck/trailer, motor vehicle, boats, home equipment sale, repair or rental services.
- B. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Outdoor recreational establishments consisting of uses or activities such as tennis courts, archery ranges, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, amusement parks, or similar recreation uses (transient or permanent).

SECTION 2.99A ORDINARY HIGH WATER MARK (OHWM) The line between the upland and bottomland which persists through successive changes in water level and below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

SECTION 2.100 POND An outdoor body of standing water, accumulated in an artificially constructed basin or depression in the earth, either above or partly above and partly below grade, capable of holding water in a depth greater than two feet when filled to capacity.

SECTION 2.100A PORCH A horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building.

SECTION 2.101 PRINCIPAL USE The primary or predominant use of the premises.

SECTION 2.102 PUBLIC SERVICES - ESSENTIAL The erection, construction, alteration, or maintenance by public utilities or Township departments of the following utilities: gas, overhead or underground electrical, steam, water, or sewer for the purpose of transmission or distribution, collection, communications, supply, or disposal or such utility services including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, towers, electrical

substations, telephone exchange buildings, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate public utility service by such public utilities or Township for the public health, safety, or general welfare, but not including buildings other than such as are primarily enclosures or shelters of the above essential service equipment. This definition shall not include sanitary landfills, recycling centers, transfer stations, or cellular towers.

SECTION 2.103 SCHOOL Any building used primarily for the education of children grades K - 12, but not including colleges, universities, trade schools, or schools operated as commercial enterprises.

SECTION 2.104 SCHOOL – NON ACADEMIC USES Any building, structure, or area that is owned by a school administration and primarily used for a purpose incidental or accessory to a school such as administrative offices not included within a school building, vehicle or other maintenance facilities, athletic facilities, bus and truck storage areas or garages and residential or dormitory facilities.

SECTION 2.105 SEPARATE OWNERSHIP A person owning a lot and having no legal property rights in adjacent properties so that the adjacent properties cannot be used with said separately owned lot for building purposes. Separate ownership shall not include owners of adjacent land who are members of the same family as defined in this ordinance where the property can, without undue hardship, be included as part of the lot.

SECTION 2.106 SETBACK Refer to: “Building Setback” as defined in this Chapter.

SECTION 2.107 SIGN Refer to Section 28.02.

SECTION 2.108 SITE PLAN A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, accessory buildings, structures, accessory structures, parking, loading facilities, street, driveways, buildings, planting, landscaping, yard spaces, sidewalks, signs, drainage facilities, water supply, sewage systems and any other items that may be required by Chapter 32 of this Ordinance.

SECTION 2.109 SMALL ANIMAL CLINIC A totally enclosed building which provides for the medical treatment and care of household pets including but not limited to cats, dogs, and exotics. Temporary boarding of household pets requiring treatment is permitted in a small animal clinic. Treatment of farm animals, maintenance of outdoor runs or cages, maintenance of crematoriums, and boarding of any animal or pet, except as provided herein, is prohibited.

SECTION 2.110 SPECIAL USE Refer to SECTION 2.126, “Use – Special.”

SECTION 2.111 STABLE, PRIVATE A building or a group of buildings and adjoining land used for the housing of horses or other domestic animals owned by an individual for the use of himself, his immediate family or friends, as an accessory noncommercial use to a principal residential use.

SECTION 2.112 STABLE, PUBLIC A building or a group of buildings and adjoining land used for the housing of equines for commercial enterprise.

SECTION 2.112A STATE LICENSED RESIDENTIAL FACILITY A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, being sections 400.701 to 400.737 of the Michigan Compiled laws, or Act No 116 of the Public Acts of 1973, as amended being sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care. “A State Licensed Residential Facility” includes, for example, a Foster Family Home, a Foster Family Group Home, or an Adult Foster Care Small Group Home.

SECTION 2.113 STORY The portion of the building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

SECTION 2.114 STORY, HALF That portion of a building between the eaves and ridge lines of a pitched roof.

SECTION 2.115 STREET

- A. Public Street. Any public thoroughfare dedicated for the purpose of providing traffic circulation and the principal means of access to abutting property, including avenues, places, ways, drives, lanes, boulevards, highways, roads, streets or other thoroughfares.
- B. Private Road or Drive. An easement running with the land which provides access to more than one legally described lot.
- C. Street Right-Of-Way. A general term denoting land, property or a property interest usually in a strip, acquired for or devoted to transportation purposes which has been dedicated to the public, or used, taken, dedicated or reserved as a private road.

SECTION 2.116 STRUCTURE Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground; including but without limiting the generality of the foregoing, advertising signs, billboards, tennis courts, swimming pools, and pergolas. Fences, sidewalks, and driveways shall not be considered structures.

SECTION 2.117 STRUCTURAL ALTERATIONS Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in roof.

SECTION 2.118 SWIMMING POOL A basin for the holding of water for swimming and aquatic recreation and does not include any plastic, canvas, or rubber portable pools temporarily erected upon the ground with less than two (2) feet of water and does not include ponds as defined in this Chapter.

SECTION 2.119 TEMPORARY BUILDING A structure permitted under this ordinance to exist during periods of construction or for special uses or events.

SECTION 2.120 THEATER, INDOOR Any building primarily used for dramatic presentations, shows, movies, or similar entertainment which building has a roof sheltering performers and patrons, open to the public, with or without charge.

SECTION 2.121 THEATER, OUTDOOR Any place other than an indoor theater used primarily for dramatic presentations, shows, movies, or similar entertainment, including drive-in theaters, open to the public, with or without charge.

SECTION 2.122 USE Any purpose for which a building or other structure or lot may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

SECTION 2.123 USE, ACCESSORY A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises. (See Use, Principal)

SECTION 2.124 USE, PERMITTED BY RIGHT A use or uses which, by their very nature are allowed within the specified Zoning District provided all applicable regulations of Plainfield

Township are met. Permitted use includes the principal use of the land or structure as well as accessory uses unless specifically stated to the contrary.

SECTION 2.125 USE, PRINCIPAL The primary purpose for which land or a structure or building is used.

SECTION 2.126 USE, SPECIAL A procedure wherein certain uses may be permitted after review when the affect of such uses on adjoining lands and the general welfare of the Township may require additional consideration and often also conditional regulations to insure compatibility and proper development in accordance with the intent of this ordinance.

SECTION 2.127 USE, TEMPORARY A use or activity which is permitted only for a limited time, and subject to specific regulations.

SECTION 2.128 VEHICLE Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power used exclusively upon stationary rails or tracks and excepting mobile homes.

SECTION 2.129 VEHICLE SALES, NEW An authorized dealership primarily for the sale of new motor vehicles subject to licensing, but as an incidental use may include the sale of used motor vehicles which are subject to licensing and truck campers attached to trucks prior to delivery to the dealership. Said dealership shall have complete facilities housed in a building on the premises for display of new motor vehicles, for the service, repair, and restoration of new and used motor vehicles, and for the sale of new accessories.

SECTION 2.130 VEHICLE SALES, USED An authorized dealership for the sale of used motor vehicles with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of used motor vehicles such as minor repairs, services and restoration, shall be performed within completely enclosed facilities.

SECTION 2.131 WIRELESS COMMUNICATION FACILITIES

- A. "Wireless Communication facilities" shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. "Wireless Communication Facilities" are not Essential Public Services as defined in Section 2.102 of this Ordinance.
- B. "Attached Wireless Communications Facilities" shall mean "wireless communication facilities" that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure, proposed to be newly established, shall not be included within this definition.
- C. "Wireless Communication Support Structures" shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light

poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- D. "Collocation", for purposes of this Ordinance, shall mean the location by three (3) or more wireless communication providers of "wireless communication facilities" on a common structure, wireless communication support structure, or building, with the intention of reducing the overall number of structures required to support wireless communication antennas within the community.

SECTION 2.132 YARD A required open space on a lot, unoccupied and unobstructed from the ground upward, provided, however, that subject to other provisions of this ordinance, fences, walls, poles, and other customary yard accessories, ornaments, and furniture may be permitted in any yard.

SECTION 2.133 YARD, FRONT The open space between the street right-of-way line and the nearest point of the principal building, including attachments thereto and unenclosed porches.

SECTION 2.134 YARD, REAR A yard, unoccupied except for permitted accessory buildings and structures, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest portion of the principal building, excluding decks.

SECTION 2.135 YARD, SIDE A yard between a principal building and the side lot line, extending from the front yard to the rear yard. The width shall be measured from the nearest point of the side lot line to the nearest portion of the principal building.

SECTION 2.136 ZONE Refer to SECTION 2.51 "District or Zone".

