

Article II. RULES OF CONSTRUCTION AND DEFINITIONS

Section 2.01 Rules of Construction

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

1. The particular shall control the general.
2. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 7. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 8. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. "Township" shall refer specifically to Burt Township.
10. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company, or other legal entity, or their agents.
11. Terms not defined shall be assumed to have the meaning customarily assigned them.
12. Any necessary interpretation of this Ordinance shall be defined by the Burt Township Zoning Board of Appeals.

Section 2.02 Definitions

Accessory Structure: Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure, including but not limited to accessory buildings, and signs. Satellite dishes and television antennae are specifically not considered accessory structures for this ordinance.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the land or building.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated, electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of annual sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

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

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Motel: A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas;

2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural.

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

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Anemometer: An instrument for measuring and recording the speed of the wind.

Anemometer Tower: A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Appearance Ticket: see Municipal Civil Infraction Citation.

Architectural Features: Parts of a building which are not for human occupancy, that shall include but are not limited to cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile Repair: Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or

fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Automobile Sales Area: Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

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

Average: For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and Breakfast Establishment: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the term bed and breakfast establishment also includes tourist home.

Bedroom: A dwelling room used or intended to be used by human beings for sleeping purposes.

Board of Appeals: As used in this Ordinance, this term means the Burt Township Zoning Board of Appeals.

Boat and/or Canoe Livery and Boat Yard: A place where boats and/or canoes are stored, rented, sold, repaired, decked and serviced.

Buffer Strip: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building Height: The elevation measured from the lowest finished grade adjacent to the structure to the highest point of the roof. No portion of the structure's roof (except chimneys) may exceed the height allowed in the specific district regulations.

Buildable Width: The width of a lot left for building after required side yards are provided.

Building: Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

Campgrounds: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 4 (four) or more recreational units.

Cargo Container: Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers,” “shipping containers,” “high-cube containers,” and “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers. *(Amended 05/02/19)*

Church: See Place of Worship.

Clinic: A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

Club: Buildings and facilities owned or operated by corporation, association, person or persons for social, educational, or recreational purposes.

Condominium Unit: That portion of a condominium project designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, floats, or other supporting devices.

Drive-Thru Business: Any restaurant, bank or business with an auto service window.

Driveway, Private: A private lane, which is used for vehicular ingress or egress serving one, two or three lots, parcels or site condominium units.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit. Except for guest houses, dwelling units must contain at least 800 square feet of livable floor area as defined in this ordinance.

Dwelling, Single-Family: A detached building containing exactly one dwelling unit designed for residential use.

Dwelling, Two-Family: A building containing not more than two separate dwelling units designed for residential use.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and

3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

Dwelling, Mobile: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

Dwelling, Multiple-Family: A building containing three or more dwelling units designed for residential use.

Efficiency Unit: A dwelling unit consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Enclosed, locked facility means an enclosed, locked facility as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

Erected: Includes built, constructed, reconstructed, extended, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements, shall be considered part of erection.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna and wind turbine generators are not included within this definition.

Excavating: Excavating shall be the earth moving, filling or removal of earth, sand, stone, gravel, or dirt.

Family: One or two persons or parents, with their direct lineal descendants and

adopted children (and including the domestic employees thereof) together with not more than four persons not so related, living together as a single house-keeping unit. Every additional group of two or less persons in a dwelling unit shall be considered a separate family.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.

Fence: Any permanent or temporary means, partition, structure or gate erected as a dividing structure, or barrier and not part of a structure requiring a building permit.

Floor Area: The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, non-commercial garages, attic, basement and cellar area.

Floor Area, Livable: That sum of the horizontal areas of each story of a residential structure, or portion of a structure intended for residential use, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings.

Floor Area, Usable (for the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area used or intended to be used for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded for the computation of "Usable Floor Area". All floor levels shall be counted.

Gas and Oil Processing Facilities: Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Supervisor of Wells, Department of Natural Resources or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

Gasoline Service Station: Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

Grade, Finished: The elevation of the ground upon the completion of construction and improvements.

Grade, Natural: The elevation of the ground surface in its natural state, before human alterations.

Ground-Mounted Solar Installations: A private system installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site. (*Amended 02/14/20*)

Guest House: Secondary living quarters not sharing a common wall with the primary living quarters which may include bedroom, bathroom and kitchen facilities. This may also define space above a detached garage.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

Home Business: A profession or occupation, or trade that is accessory to a principal residential use conducted within a dwelling or residential accessory building. Home businesses fall into two classifications defined below:

Home Occupations: A profession or occupation conducted within a dwelling, or an attached garage, which is clearly incidental and secondary to the use of the lot, or dwelling for residential purposes. Home occupations are regulated by Section 6.09.1.

Cottage Industry: An occupation or trade conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes. Cottage industries are regulated by Section 6.09.2.

Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

Hotel or Motel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms.

Impervious Surface: Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, buildings or structures, roofs of any type, concrete, asphalt, or bituminous paving, compacted gravel, flagstone, brick, or similar surface patios, decks, and driveways.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with facilities and services in attractive surroundings among compatible neighbors.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

Inoperable, Unlicensed or Abandoned Vehicle, Trailer or Watercraft: Any vehicles of any nature whatsoever, including, but not limited to, automobiles, trucks, snowmobiles, motorcycles, riding mowers, tractors, four wheelers, trailers, or any watercraft, which is incapable of being used as intended whether by reason of dismantling, disrepair, or other cause, or any motor vehicle, trailer, or watercraft which is not licensed for a period in excess of thirty (30) days.

Junk: The outdoor accumulation and storage or other placement of junk presents an unsightly and unattractive appearance, or creates a health and safety hazard, or discourages adjoining property owners from improving their property, or threatens property values, or diminishes the quality of the community. Any of the following stored, placed, permitted to be stored or placed, or allowed to remain on any parcel of land outside a completely enclosed building for more than thirty (30) days in any one calendar

year unless managed as part of a permissible salvage yard:

Inoperable, unlicensed or abandoned vehicles, trailers or watercraft,

1. Machinery, appliances, products, merchandise or other item with parts missing or which is disassembled or otherwise cannot be used for its intended purpose,
2. scrap or salvage material, tires, trash, rubbish, litter, garbage, refuse or waste of any nature, or
3. Any item that is damaged, deteriorated, dismantled or in disrepair regardless of cause.

Junk does not include domestic trash, garbage or refuse if:

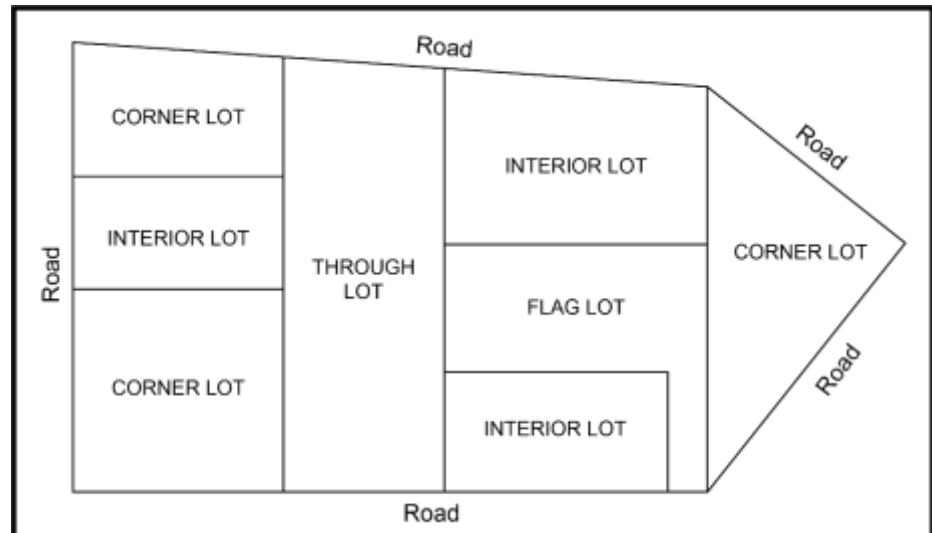
1. It is stored in an enclosed container so as to not create a nuisance, or
2. It is stored for a period not to exceed ten (10) days.

Kennel: Any lot or premises on which three (3) or more dogs, cats, or other household pets of the same species four (4) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

Landscape buffer: See Buffer Strip.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

Lot: The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.



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

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures and all impervious surfaces. The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.

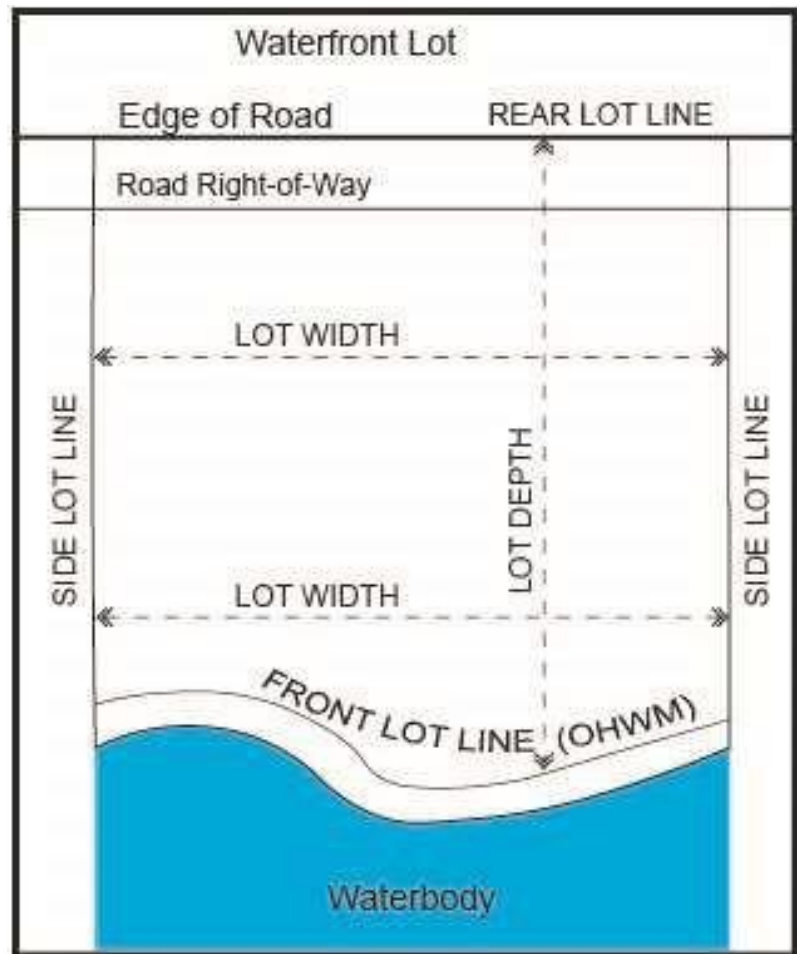
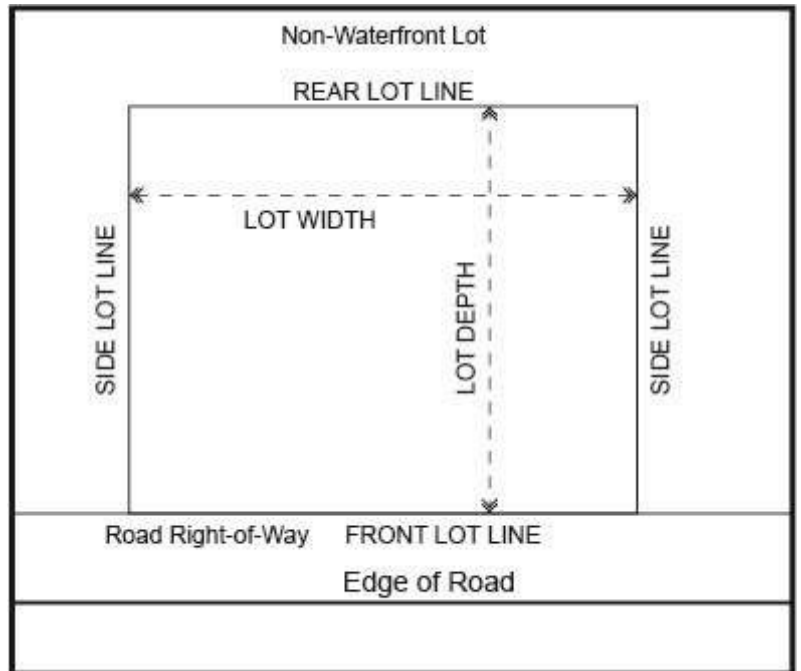
Lot Depth: The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Line, Front: In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the property line separating such lot from such street right-of-way. In the case of a lot having frontage upon a lake, river, or stream, the waterfrontage shall be considered the front lot line.

Lot Line, Rear: The property line being opposite the front lot line. In the case of a lot irregularly shaped 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 property line bounding a lot that is not a front lot line or a rear lot line



Lot of Record: A lawfully created lot defined by a legal description and record in the office of the Cheboygan County Register of Deeds on or before the effective date of this Ordinance.

Lot, Waterfront: A lawfully created lot defined by a legal description and record in the office of the Cheboygan County Register of Deeds on or before the effective date of this ordinance.

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

Lot, Zoning: A contiguous tract of land that at the time of filing for a Zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A Zoning Lot may not coincide with a lot of record, but may include one or more lots of record.

Manufactured Home: see Dwelling, Manufactured.

Master Plan or Comprehensive Plan: The statement of policy by the Township Planning Commission and approved by the Township Board relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

Medical marihuana or Medical Use of Marihuana: Marihuana as defined in Section 7106 Of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106, that meets the definition of "medical use" in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

Mobile Home: see Dwelling, Mobile.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.

Mobile Home Site: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Motel: See Hotel.

Municipal Civil Infraction Citation: A written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Natural Vegetation Strip: An undisturbed or re-established natural area of land paralleling the water's edge to a depth of the required zoning setback distance if not otherwise stipulated, which is retained in a natural condition (or re-established with vegetation naturalized to the region) and is essentially void of any structural improvements. Beaches and/or vegetated areas shall be allowed in the natural vegetation strip.

Nonconforming Lot of Record: A lot of record that legally existed on or before the effective date of this ordinance or any amendment to this ordinance and does not meet dimensional requirements of this ordinance or amendment.

Nonconforming Structure: A building, structure, or portion thereof that lawfully existed before the effective date of this ordinance or any amendment to this ordinance and that does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which such building or structure is located.

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

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

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

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable affluent; noise or congregation of people, particularly at night.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* space used for the sale of fruits or vegetables.

Occupancy Permit: A permit issued by the Cheboygan County building official that certifies a structure as being completed and suitable for use and/or occupancy.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

Open Air Business: Includes uses operated for profit, substantially in the open air, including:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Miniature golf, golf driving ranges, children's amusement park or similar recreation uses operated for profit.

Open Space: Land upon which no structures, parking, rights-of-way, or other improvements have or will be made and that will not be committed for future use other than outdoor recreational use.

Ordinary High Water Mark (OHWM): Is the line on the shore of Burt Lake established by fluctuations of water and indicated by physical characteristics such as a line impressed on the bank, shelving, destruction of terrestrial vegetation, presence of litter or debris, or changes in the character of soil. If the soil, configuration of the surface, or vegetation on the shoreline has been altered by man's activity, the high water mark shall be located where it would have been if this alteration had not occurred. If the above visual determination is unclear, then the OHWM of 594.5 feet as determined by the United States Army Corps of Engineers (USACE) IGLD of 1985 will be used as the ordinary high water mark. *(Amended 07/07/16)*

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Place of Worship: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Planning Commission: For the purpose of this Ordinance the term Planning Commission is deemed to mean the Burt Township Planning Commission.

Planned Unit Development (PUD): A type of development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development. Such developments can be

proposed as either single use (such as a residential site condominium project), or mixed use developments (such as a project which includes both residential and commercial components).

Pick-up Camper: See Recreational Unit.

Primary caregiver means a primary caregiver as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marihuana Act.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exists.

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public lake access: A lot, road right-of-way, or easement publicly owned, or dedicated to the public, which provides an opportunity for the public to use the lake either seasonally or year-round, and which may include any of the following activities or a combination of these uses: a place for the public to congregate and use the water; swimming beach; boat launch of any sort and/or any associated accessory facilities.

Public lake access facilities: physical improvements to a public lake access site, excluding routine maintenance and repairs to existing site features.

Public Sewer Systems: A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

Qualifying patient means a qualifying patient as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marihuana Act.

Recreational Unit: Means a vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which may have its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational unit shall include "Travel trailers", "Camping trailer", "Motor home", "Truck camper", "Slide-in-camper", "Pop Up Camper", and "Chassis-mount camper" as defined in Act 171 of the Public Acts 1970, as amended. A Recreational unit may also include a tent, van, or other motor vehicle used for recreational camping or modified to include temporary living quarters. A Recreational unit is not a mobile home or manufactured home as defined under this ordinance or under Section 2 of the Mobile Home Commission Act.

Recreational Vehicle: see Recreational Unit.

Resort: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

Road Right-of-Way: A street, alley or thoroughfare or easement permanently established primarily for passage of motorized vehicles which, if used to establish a lot front, provides adequate permanent access.

Road, Private: An area of land which is not a public road, but which is intended for passage to and from four (4) or more lots or site condominium units.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling local agricultural products, primarily are raised or produced on the same farm premises or other properties under the same ownership or management.

Roof-Mounted Solar Installations: A private system installed on the roof of a building that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

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

Salvage Materials: Waste, used or second hand materials, not stored for more than six (6) months, including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles, which are to be held temporarily for recycling purposes or collection, processing or transport to other processing facilities.

Salvage Yard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Salvage Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of salvage materials, but does not include uses established entirely within enclosed buildings.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, high schools and colleges. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Seasonal Use: Any use or activity that reasonably can or should only be conducted during certain months or seasons of a year.

Setback: The minimum required horizontal distance from the applicable road right-of-way line, private road easement, water feature or property line of a lot within which no buildings or structures may be placed or extended, except as otherwise provided in this Ordinance.

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

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

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following:

1. Adult arcade;
2. Adult bookstore or adult video store;
3. Adult cabaret;
4. Adult motel;
5. Adult motion picture theater;
6. Adult theater;
7. Escort agency;
8. Nude model studio; and
9. Sexual encounter center.

Shed: A small subordinate structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity or plumbing, or otherwise serve as a dwelling unit, and it does not need to be placed on a permanent foundation. A shed is primarily used for storage for lawn, garden, or pool care equipment. The height of the eaves of a shed shall not exceed eight (8) feet, and the floor area shall not exceed 200 square feet.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves. Three or more retail stores and services, so arranged or planned, shall qualify as a shopping center for zoning purposes.

Sign: A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of or for the benefit of any product, place activity, individual, firm, corporation, institution, profession, association, business or organization.

Sign, Animated: Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

Sign, Freestanding or Ground: A sign supported by permanent uprights or braces in the ground.

Sign, Off Premise: Any sign relating to a use and / or activity not conducted on the premises on which the sign is located. *(Amended 05/02/19)*

Sign, On Premise: Any sign relating to a use and / or activity conducted on the premises on which it is located. *(Amended 05/02/19)*

Sign, Outdoor Business or Informational: A freestanding, overhanging or wall mounted sign located outside a structure on which is displayed information pertaining to a product, use, occupancy, function, service or activity located within that structure on the same property as the sign, or at a location different than the property on which the sign is located.

Sign, Overhanging: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is not parallel to the structure wall.

Sign, Portable: A sign that is designed to be transported, including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T- frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right of-way, except when the vehicle is being used in normal day-to-day operations of that business; and
- Hot-air or gas-filled balloons or umbrellas used to display content.

Sign, Temporary: A sign not intended or designed for permanent display.

Sign Surface: That portion of a sign excluding its base, foundation and erection supports on which content is displayed.

Site Condominium Unit: That portion of a condominium subdivision designed or intended for occupancy or use by the unit owner consistent with the provisions of the Master Deed.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Solar Energy:

- a. **Building-Integrated Solar Energy Panels:** Accessory solar energy panels that are in an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

b. **Groundcover:**

- a. **Pollinator Habitat.** Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sit.
- b. **Conservation Cover.** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
- c. **Forage.** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- d. **Agrivoltaics.** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- c. **Maximum Tilt:** The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- d. **Minimum Tilt:** The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- e. **Non-Participating Lot(s):** One (1) or more lots for which there is not a signed lease or easement for development of a solar energy farm associated with the applicant project.
- f. **Participating Lot(s):** One (1) or more lots under a signed lease or easement for development of a solar energy farm associated with the applicant project
- g. **Solar Installations–Ground Mounted:** A private system of solar energy panels installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.
- h. **Solar Installations–Roof Mounted:** A private system of solar energy panels attached to or ballasted on the roof of a building or structure that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.
- i. **Solar Energy Farms:** A utility-scale commercial facility of solar energy panels and collection devices that converts sunlight into electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies. The primary purpose is the wholesale or retail sale of generated energy off site.
- j. **Repowering:** Reconfiguring, renovating, or replacing a solar energy farm to maintain or increase the power rating of the solar energy farm within the existing project footprint.

Special Use Permit: A permit grant with approval by the Township Planning Commission for a use of land in a district that does not conflict with any other permitted land use in the district when such a special use is specified in this Ordinance for that district.

Specified Anatomical Areas: are defined as:

- 1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and

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

Specified Sexual Activities: means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

Stable, Private: A building or structure used to house horses, either for the property owner's private use; not for hire or sale.

Stable, Commercial: A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.

Structural Change or Alteration: See Alterations.

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

Telecommunication Towers and Facilities or Tower - All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio

frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which fully preempt municipal regulatory authority.

Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

Thoroughfares: An arterial street which is intended to serve as a traffic way serving primarily the immediate Township area and serving to connect with major thoroughfares.

Timber Cut, Commercial: A timber cut which yields net income (receipts for sale of products exceed the cost of cutting).

Tourist Home: See Bed and Breakfast Establishment definition.

Trailer Coach: See Recreational Unit definition.

Travel Trailer: See Recreational Unit definition.

Use: The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

Variance: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is sought.

Waste: Items that are discarded, left over, thrown away, or no longer useful.

Wind Turbine Generator: A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

Wind Turbine Generator, Commercial: A wind turbine generator designed and used

primarily to generate electricity by or for sale to utility companies.

Wind Turbine Generator, Noncommercial: A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

Wind Turbine Generator Tower Height: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

Yard: A space open to the sky between a building and the lot lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

Yard, Rear: A yard extending across the full width of the lot from the rear line of the principal building to the rear lot line.

Yard, Side: A yard between the side lot line and the nearest side of the principal building, extending between the front yard and rear yard.

Zoning Permit: A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building or land in conformity with the provisions of this Ordinance.