

200 ARTICLE II DEFINITIONS

201 General: When consistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number, and words used in the plural number include the singular. The word "**shall**" is **always** mandatory and not merely a directory. The word "building" includes the word "structure" and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

202 Specific Terms: The following terms shall have the following meanings when used within this ordinance:

Abutting: To have a common boundary, to border upon.

Accessory Structure: Any structure on the same lot with a principal structure, that is subordinate to the principal structure and whose use is customary and incidental to the principal structure's principal use and is devoted exclusively to an accessory use, such as a garage, shed, pergola, greenhouse, pool house or other similar structures. Such accessory structures and uses shall conform to the provisions prescribed in this Ordinance for each district.

Attached Accessory Structure: An accessory structure that is permanently attached to a main building, such as an attached garage.

Detached Accessory Structure: A freestanding accessory structure, such as a shed or boathouse.

Accessory Use: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

Adjacent Property (or lot, parcel etc.): A parcel of different ownership, close to, next to, neighboring.

Adjoining: To be next to, to be attached to.

Agriculture: Farms and general farming activities that are devoted to the production of plants or animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, and trees (including Christmas trees).

Apartment: A multiple family dwelling having three or more dwelling units intended for long term rental occupancy, each consisting of a room or suite of rooms with bath and kitchen facilities, intended and designed for use as a semi-permanent, non-transient residence by a single family.

Basement: That portion of the building which is partly underground and which has a majority of its floor to ceiling height below grade.

Bed and Breakfast: A dwelling with a sufficient number of bedrooms to accommodate three or more separate guests, in which both lodging and scheduled meals prepared by the owner or operator are furnished to guests for compensation.

Boat House: A permanently enclosed docking area for watercraft, contiguous to the shoreline.

Building: Any independent structure (roofed and walled) built for permanent use and/or habitation. A structure erected on/or relocated to a site, a mobile home or mobile structure, a manufactured or precut structure, (above or below ground) designed primarily for the shelter, support or enclosure of persons, animals or property of any kind and attached in a permanent manner to the ground or other structure.

Building Height: The vertical distance measured from the finished grade to the highest point of the structure, not including antennas, chimneys, or other appurtenances. The calculation of “finished grade” shall exclude modifications to the surrounding ground intended to permit a building height that otherwise exceeds the permitted height.

Building Line: (see also Setback Averaging)

Front Building Line: The front building line of all buildings and/or accessory structures shall be not less than: 50 feet from the lakefront, 25 feet from a canal/river, and 20 feet from the road right-of-way.

Established Building Line: The established building line shall be determined by those buildings and/or structures already built and/or existing as long as they conform to the provisions of this Ordinance.

Condominium, Site Condominium: A condominium is a development in which individuals own their own dwelling units and share joint ownership in common elements with other unit owners. A site condominium is a development in which an individual owns their own dwelling unit, a small parcel of land that the unit rests upon and share joint ownership in common elements with other unit owners.

Contiguous: Going on or extending without interruption or break. A road does not break contiguity.

Corner Lot: (see Lot, Corner)

Driving Easements: Designated for the passage of vehicles, also to be known as streets, roads, or two tracks.

Dwelling, Single Family: A building containing not more than one dwelling unit, designed for residential use.

Dwelling, Two Family: A building containing two separate dwelling units designed for residential use.

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

Dwelling Unit: A structure, or part of a structure, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, which is designed for residential use by no more than one family.

Electric Vehicle (EV): Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the

grid, or an off-board source, which is stored on-board via a battery for motive purpose. Electric vehicle includes:

- (1) a battery electric vehicle.
- (2) a plugin hybrid electric vehicle.

Electric Vehicle Charging Stations: A public parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use. Any outdoor charging station requires a Land Use Permit. Level 3 charging equipment is considered a Special Use in all commercial districts requiring a Site Plan Review and a Land Use Permit. Installation shall meet current standards of the federal, state, and local electrical company, based on the level of charging station being installed. EV charging stations shall be maintained in all respects, including the functioning of the equipment.

Level 1- Slow charging: 120 volts common residential outlet.

Level 2- Medium charging: Equipment offers charging through 240 volts for residential applications or 208 volts in commercial applications. These are common for home, workplace, and public charging.

Level 3 – Fast or Rapid charging: 480 volts and above. Level 3 chargers need extremely high-powered current.

Erratic Setback Line: An erratic setback line is created by a dwelling that is exceptionally close to the waterfront or exceptionally close to the back of the property.

Essential Services: The erection, construction, alteration or maintenance by public and/or private utilities or township/county departments or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange stations and other similar equipment and accessories in connection therewith (but not including any buildings except those expressly referred to herein) reasonably necessary for the furnishing of adequate services by such public and/or private utilities or township/county departments or commissions or for the public health or safety or general welfare.

Family: A group of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature.

Fence: A permanent or semi-permanent partition or structure erected as a dividing barrier, boundary, or enclosure that is not a part of a building.

Privacy Fence: A permanent or semi-permanent partition or structure erected as a dividing barrier, boundary or enclosure that is not a part of a building and so constructed as to block sight or the penetration of light, or to provide seclusion.

Footprint: A foundation or ground floor area where a structure once existed.

Gaming Establishment: A legal business established for the purpose of playing games of chance to win money or other goods of value.

Grade: The finished surface of ground areas outside the walls of any building or structure.

Habitable: Any area including basement, first floor, second floor, used for living purposes exclusive of garage, breezeway or porches.

Home Occupation: A business or trade practiced within a dwelling by the resident.

Hotels, Motels, Resorts: A structure or part of a structure, other than a dwelling, designed at the time of construction to provide temporary sleeping and parking accommodations for transient guests for no more than 28 days within a 90-day period.

Indoor Recreation Facility: A facility designed and equipped for sports, amusement or leisure time activities conducted within an enclosed building, such as fitness centers, gymnasiums, bowling alleys, indoor softball, and racquetball and tennis clubs.

Indoor Storage Facility: An enclosed building designed for the commercial storage of personal items that are generally not used on a daily basis, such as vehicles, recreational vehicles, watercraft or household furnishings and effects.

Junkyard: Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or containers thereof.

Lot or Parcel: Land which is designated a part of a subdivision or plat which has been recorded in the office of the Register of Deeds of Roscommon County.

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two coordinates of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. **See Article II, Section 280, Illustration B.**

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line.

Lot, Interior: A lot other than a corner lot.

Lot, Front Line: The frontage on a lot that has the greatest influence when determining value by the township assessor.

Lot, Rear Line: That lot line which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line.

Lot, Side Line: Any lot line not qualifying as a front or rear lot line.

Lot Width: The mean horizontal distance between the side lot lines.

Manufactured Home/Mobile Home: Any portable structure mounted or designed for mounting on wheels, built on a chassis, transportable in one or more sections and used or intended for use for dwelling purposes when hooked up to the proper utilities and with the necessary plumbing, heating and electrical facilities. Any such vehicle or structure shall be deemed to be a manufactured or mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation.

Marihuana: This term shall have the same meaning as is provided in MCL 333.26423.

Medical Marihuana Facility: Means one of the following:

“Provisioning Center,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);

“Processor,” as that term is defined in the MMFLA;

“Secure Transporter,” as that term in the MMFLA;

“Grower,” as that term is defined in the MMFLA;

“Safety Compliance Facility,” as that term is defined in the MMFLA.

Marihuana Provisioning Center: Both a “provisioning center” as defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 *et seq.*, as amended (“MMFLA”) and a “marihuana retailer” as that term is defined in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as amended (“MRTMA”).

Microbrewery: A brewer that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers.

Mobile Food Vending: Vending, serving, or offering food or beverage for sale from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, including a mobile food establishment.

Mobile Food Vending Unit: any motorized or non-motorized vehicle, trailer, cart or stand or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

Vendor: any individuals engaged in mobile food vending.

Operate: all activities associated with the conduct of business of a mobile food vending unit, including set up and take down and/or actual hours when the mobile food vending is open for business.

Non-Conforming Building, Use, or Lot: A building, structure, use or lot which lawfully exists at the effective date of this Zoning Ordinance or amendments thereto but does not conform to the current provisions of the zoning district in which it is located.

OEO: Ordinance Enforcement Officer

Office: A room, a suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for

current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

Open Air Business: A business that involves activities for the display and sale of goods, products and objects outside of a building, including the display and sales of motor vehicles, bicycles, trailers, swimming pools, snowmobiles and boats; rental equipment and services; mobile homes; flea markets, lawn furniture, playground equipment, and other home garden supplies and equipment, cemetery monuments, and similar uses.

Outdoor Recreation Facility: A facility designed and equipped for the conduct of sports, amusement or leisure time activities conducted outside of an enclosed building such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks

Outdoor Seasonal Storage Facility: A controlled access or fenced area that is used for the commercial seasonal outdoor storage of recreational vehicles and watercraft (such as boats, snowmobiles, jet skis and related trailers) when not in use.

Outdoor Wood Furnace: A furnace manufactured specifically for outdoor use and with which to burn wood and/or alternate fuels as suggested by the manufacturer.

Parcel/Lot: A Parcel or Lot, which is/are designated part of a subdivision or plat, or a parcel of land which has been recorded in the office of the Register of Deeds of Roscommon County.

Principal Use: The main use to which a premises is devoted and the principal purpose for which a premises exists.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Raised Ranch/Loft House: A house with the majority of the living quarters directly above the garage area (which must be fully enclosed). The square foot requirement, setbacks, and open area shall be met for the zoning district in which the raised ranch is located. The square footage of the house (living quarters) shall be at least 80% of the garage below, the remaining percentage shall be a finished deck. (The deck plus living quarters shall be 100% of the garage square footage).

Recreational Vehicle/RV/Camper: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers.

Resorts, Hotels, Motels: A structure or part of a structure, other than a dwelling, designed at the time of construction to provide temporary sleeping and parking accommodations for transient guests for no more than 28 days within a 90-day period.

Retail Space: Retail businesses use retail space to display and sell goods. Habitable space such as bathrooms, utility rooms, break rooms, vaults, personal offices, vestibules and receptionist office are not included as retail space when calculating square footage for parking spaces.

Road Right-of-Way: Is the area provided for a street, alley, easement, or other thoroughfare, public or private, for the passage of persons or vehicles.

Roadways, County Approved Roads: Must meet Roscommon County Road Commission standards.

Private Roads: Road easements that serve from 3 to 8 dwellings.

RV Park or Mobile Home Park: Any parcel or tract of land upon which two or more occupied RV's or mobile homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such RV/Mobile Homes.

RV or Mobile Home Site or Space: A portion of the RV/Mobile Home Park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or RV.

Setback: The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated. **See Article II, Section 280, Illustration A.**

Erratic Setback Line: An erratic setback line would be created by a dwelling that was exceptionally close to the waterfront or exceptionally close to the back of the property.

Setback Averaging: A method of determining a front building line for a dwelling/structure.

Signs: Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). Signs do not include cemetery markers, vending machines, mailboxes, seasonal decorations, or a building's permanent architectural feature. Specific signs are defined as follows.

Abandoned Sign: A sign that is not operated or maintained for a period of thirty (30) calendar days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An abandoned sign includes a sign on which is advertised a business that no longer has a certificate of occupancy or that is no longer doing business on the parcel where the sign is located, if the business was originally located on that parcel. An abandoned sign includes a sign for a purpose for which the purpose has lapsed.

Billboard: A commercial freestanding sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Flag: A sign consisting of a piece of cloth, fabric or other non-rigid material that is attached to a bracket or pole.

Freestanding Sign: A sign supported from the ground by one or more poles, posts, or similar uprights, with or without braces.

Portable Sign: A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include but are not limited to: signs designed to be transported by means of wheels, signs converted to A- or T- frames, and sandwich board signs consisting of two (2) boards laid back-to-back.

Sign Height: The elevation measured from the average finished grade at the roadside of the sign to the highest point of the sign.

Temporary Sign: A sign intended for a use not permanent in nature.

Site Plan: The documents and drawings required by this Ordinance to ensure that a proposed land use or activity is in compliance with local and county ordinances and state and federal statutes.

Snow Fence: A lightweight visual barrier no more than four (4) feet high with oval or rectangular openings of a least 1.5" X 1.5".

Special Exception / Special Land Use: A zoning ordinance for special land uses which shall be permitted in a zoning district only after review and approval by the Planning Commission.

Storage Units: A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's personal or household goods that are generally not used on a daily basis, along with any individual portable unit designed for the same.

Structure: Anything constructed, erected, or to be moved to or from any premises which is permanently or temporarily located above, on, or below the ground, including but not limited to, signs, patios, porches, decks, sheds, fences and portable parking shelters. (These shall require a Land Use Permit).

Height of: The elevation measured from the average finished grade on the roadside of the structure to the highest point of the structure, not including antennas, chimneys, or other appurtenances.

Tavern: Any place where alcoholic beverages are sold for consumption on the premises.

Temporary Structure: An accessory structure without a foundation or footings used for a limited time only.

Water's Edge, Canal: The distance to the nearest edge of the water.

Water's Edge, Lake: The distance measured from the crest of the nearest seawall on the right to the crest of the nearest seawall on the left.

ZBA: Zoning Board of Appeals.

ZEA: Michigan Zoning Enabling Act.