

## **ARTICLE II RULES APPLYING TO TEXT AND DEFINITIONS**

### **SECTION 2.01 - RULES APPLYING TO TEXT**

For the purposes of this Ordinance, certain terms are defined to clarify the intent of the provisions of this Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The word “building” includes any part thereof.
- F. A “building” or “structure” includes any part thereof.
- G. The word “person” includes not only an individual, but a firm, corporation, association, partnership, limited liability company or any other legal entity.
- H. The words “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended”, “arranged”, “designed to be used”, or “occupied”.
- I. Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- J. The term “adjoining lots and parcels” is intended to include lots and parcels separated by highways, roads, streets or rivers.

### **SECTION 2.02- DEFINITIONS**

For the purpose of this Ordinance, the following terms and words are defined as follows:

**ABUTTING:** Having property or district line in common.

**ACCESSORY BUILDING OR STRUCTURE:** A subordinate structure devoted to an accessory use and located on the same premises with a main structure. An accessory structure attached to a main structure shall be considered part of the main structure for the purpose of determining yard setbacks.

**ACCESSORY USE:** A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.

**AGRICULTURE:** See Farm.

**ALLEY:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**ALTERATION:** Any change, addition or modification to a structure or type of occupancy or use of structure or land, or any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

**ANTENNA:** An 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 frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**APARTMENT:** A room or suite of rooms, including bath and culinary accommodations, intended or designed for use as a residence by a single family.

**APPURTENANCE:** An ornamental, structural or mechanical element that is attached to and subordinate to a building or structure, but not including fences.

**ATTACHED:** Connected to a main building in a substantial manner by walls and/or a roof.

**AVERAGE:** For the purpose of this Ordinance, the term, "average" shall be an arithmetic mean.

**BASEMENT:** That portion of the building, which is partly underground and which has more than fifty percent (50%) of its floor to ceiling area below grade.

**BED AND BREAKFAST FACILITY:** 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, a bed and breakfast facility is a residential use.

**BOARDING HOUSE – ROOMING HOUSE:** A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) persons or more.

**BORDERING LANDS:** All land adjacent to a parcel of land, including, but not limited to those lands separated from the parcel by a road right-of-way, easements, rivers or public utility right-of-way.

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

**BUILDABLE AREA:** The space remaining after the minimum setbacks and open space requirements of this Ordinance have been complied with.

**BUILDING:** A structure of more or less permanent construction, having a roof supported by columns or walls and intended to be used for sheltering people, animals, property or business activity.

**BUILDING, HEIGHT OF:** The elevation measured from the average finished lot grade at the front of the building elevation to the highest point of the roof, excluding chimneys, steeples or similar appurtenances.

**BUILDING LINE:** A line formed by the face of the building and for the purposes of this Ordinance, the minimum building line is the same as the front setback line.

**BUILDING OFFICIAL:** The administrator of the building, housing, plumbing, electrical or other codes that have been adopted or may be adopted in the future by the Township or County.

**BUILDING(S), MAIN:** Any building(s) on a lot or site, which contain one or more principal or special uses.

**BUILDING SITE:** A lot, or a two-dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory buildings. All building sites shall have access to public or private roads.

**CABIN:** A detached building which is used for seasonal occupancy as a dwelling or sleeping quarters for transients or tourists for a fee.

**CABIN COURT:** Two (2) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for transients or tourists for a fee.

**CARE FACILITY, COMMERCIAL DAY:** A facility receiving more than twelve (12) minor children or adults for care for periods of less than twenty four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meeting, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

**CARE FACILITY, CONVALESCENT OR NURSING HOME:** A facility with sleeping accommodations where persons are housed twenty four (24) hours a day and furnished with meals, nursing and medical care.

**CARE FACILITY, FAMILY:** A single family residence in which care or supervision is provided for more than one (1) but less than seven (7) minor children or adults. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

**CARE FACILITY, GROUP:** A facility in which care or supervision is provided for at least seven (7) but not more than twelve (12) minor children or adults. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

**CERTIFICATE OF ZONING COMPLIANCE:** A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land and buildings and structures thereon granting approval for the construction or use applied for.

**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 (1) professional, such as a physician, dentist or the like, and patients are not lodged overnight.

**CLUB:** An organization catering exclusively to members and their guests on premises and buildings for recreational, artistic, political or social purposes, which are not conducted primarily for financial gain and which do not provide merchandise, vending or commercial activities, except as required incidentally for the membership and purpose of such club.

**CO-LOCATION:** The location of two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Township.

**COMMERCIAL MOTOR VEHICLE:** Any self-propelled or towed vehicle, properly licensed and mechanically operable, for use on public highways to transport passengers or property for commercial purposes.

**COMMON ELEMENTS:** Portions of a condominium project other than the condominium units.

**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, regardless of whether it is intended for residential, office, industrial, recreational or other type of use.

**COUNTY:** Crawford County, Michigan.

**DISTRICTS:** A geographic portion of the Township within which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this Ordinance. "Districts" as used herein is synonymous with the word "Zones" or "Zoning Districts".

**DWELLING:** A building, or portion thereof, which is designed or used primarily for residential purposes.

**DWELLING, MULTIPLE:** A dwelling or group of dwellings on one (1) lot or parcel and in one (1) structure, containing separate living units for three (3) or more families, but not including automobile courts, motels or hotels.

**DWELLINGS, SINGLE- OR ONE-FAMILY:** A detached building designed for or occupied primarily by one (1) family.

**DWELLING, TWO-FAMILY:** A detached building designed exclusively for occupancy by two (2) families living independently of each other.

**DWELLING UNIT:** A building or portion thereof, designed for permanent residential occupancy by one (1) family. In the case of buildings that 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.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by public utilities, municipal departments or other governmental agencies of underground or overhead gas, electrical communication, steam or water transmission or distribution systems, or collection, supply or disposal systems; including poles, wires, main drains, sewer pipes, cables, towers, fire alarm boxes, poles or other call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

**EXCAVATING:** The removal of soil below the average grade of the surrounding land and/or road grade, excepting household gardening and ground care.

**FAMILY:** An individual, or two (2) or more persons occupying the premises and living as a single non-profit housekeeping unit. The usual domestic servants residing in the premises shall be considered as a part of the family.

**FARM:** All the contiguous neighboring or associated land operated as a single unit, not less than five (5) acres in size, on which bona fide farming is carried on directly by the owner or by his agent or by a tenant farmer, provided that the area thereof is sufficient to constitute actual farming; and for the purpose of this Ordinance, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, dairy farms apiaries and forestry and tree harvesting; but not including establishments keeping fur-bearing animals, operated as a fish hatchery, commercial kennel, stock yard, slaughter houses, stone quarry, gravel or sand pit, fertilizer works, bone yards, or for the disposal of garbage, sewage, or junk or for the removal and sale of topsoil. The words "agriculture" and "farming" shall be considered as synonyms.

**FENCING:** The enclosure of an area by a structure of lumber, masonry, wire or other material designed and marketed for constructing such an enclosure.

**FLOOD AREA:** That area subject to inundation by a river and/or stream and its tributaries based on a reasonable flood expectancy as determined by flood history.

**FLOOR AREA, GROSS:** The area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor areas with less than five (5) vertical feet from floor to finished ceiling, basements except walkout basements, are excluded.

**FLOOR AREA, GROUND:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the square footage of floor space on the ground floor, measured from exterior wall to exterior wall, but exclusive of areas of basements, unfinished attics, attached garages, space for off-street parking, breezeways, enclosed or open porches, elevators, stair bulkheads and accessory structures.

**FLOOR AREA, USEABLE:** For the purpose of computing parking requirements, square footage of area used for or intended to be used for the display or sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used for or intended to be used principally for the storage or processing of merchandise, for hallways or for utilities shall be

excluded from the computation of Useable Floor Area. Measurement of Useable Floor Area shall be the sum of the horizontal area of all floors of the building measured from the interior faces of the exterior walls.

**GARAGES, PRIVATE:** A detached accessory building or portion of main building for the parking or temporary storage of automobiles, boats, house trailers, and similar vehicles owned and used by the occupants of the building to which it is an accessory.

**GARAGE, PUBLIC:** A building, other than a private garage, used for the sale, repair, or equipment of automobiles, motorcycles, snowmobiles, boats and other similar vehicles or where such vehicles are parked or stored for remuneration, hire or sale.

**GARAGE SALE:** The display and/or offering for sale, new or used household goods, for a limited period of time, in a residential district. For the purposes of this Ordinance, Garage Sale is analogous with "Yard Sale" "Basement Sale" and "Moving Sale".

**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 Geological Survey Division, Michigan Department of Environmental Quality 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:** A structure or structures and space combined, used solely for servicing motor vehicles with the usual operating commodities such as gasoline, fuel oil, grease, water, batteries, tires and other minor accessories, or services such as washing, waxing and lubricating and in connection with which there is no repair or refinishing of motor vehicles, except that the repair of tires, lights, changing of batteries or engine repairs and adjustments when conducted within an enclosed building shall not be excluded.

**GRADE LEVEL:** An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**GUEST HOUSE:** An accessory building on the same lot as a main dwelling to be used as temporary lodging for the property owner's guest and not for commercial purposes, rental or profit. For the purpose of this Ordinance, a guest house is a residential use.

**GUEST ROOM:** A bedroom in a bed and breakfast facility, intended for sleeping, separable from other rooms by a door, in excess of bedrooms used by the owner/operator, and available for rental to the transient public.

**HEAVY INDUSTRY:** Manufacturing, fabricating activities or other large scale specialized industrial operations having external effects which will be felt to some degree by surrounding uses.

**HOME OCCUPATION:** An occupation or profession carried on as a subordinate use by a member of a family residing on the premises and which is clearly incidental and secondary to the use of the parcel of land for residential purposes. A Home Occupation may include the limited inside storage, sales and processing of inventory and/or the seeing of customers or clients.

**HOME OFFICE:** An accessory use of a portion of a dwelling for the purposes of conducting business of a professional nature by the resident of the dwelling. A Home Office does not include the manufacturing, processing or storage of inventory or the seeing of customers or clients.

**HOTEL:** A building in which transient lodging or boarding and lodging are offered to the public for compensation. Boarding houses, bed and breakfast establishments, and apartments are excluded.

**IMPERVIOUS SURFACE:** A material incapable of being penetrated by water and other liquids. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements, sidewalks, gravel drives and parking lots.

**INSTITUTIONAL OR PUBLIC USES:** Churches and places of worship, schools teaching academic subjects, hospitals, convalescent and nursing homes, parks, civic centers, libraries and other governmental structures.

**KENNEL, COMMERCIAL:** Any lot or premises on which three (3) or more dogs, cats or other household animals are either temporarily or permanently boarded outside the primary residential structure. Kennel shall include any lot or premises where household pets are bred and sold commercially.

**LAKES:** Any large standing body of water primarily used for recreational and residential use. Shellenbarger Lake, Wakeley Lake, Kneff Lake, Simpson Lake, Barker Lake, Staley Lake, Lake Margrethe, Frog Lakes, Kyle Lake, Duck Lake, Hartwick Lake, Karen Lake, Glory Lake, Bright Lake and Dollar Lake are the lakes in Grayling Township.

**LIMITED COMMON ELEMENTS:** A portion of the common elements reserved in the condominium master deed for the exclusive use of less than all of the co-owners.

**LIVING SPACE:** That area within a structure intended, designed, erected or used for human occupancy.

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

**LOT:** A parcel of land exclusive of any adjoining street or road right-of-way, which is or may be, occupied by one (1) main building or use and its accessories, including the open spaces required by this Ordinance, but not necessarily conforming to the platted lot lines. The word "lot" shall include parcel and a unit of land within a site condominium which gives the owner exclusive rights to a building envelope of which a building is placed and limited rights to the yard area surrounding the building.

**LOT AREA:** The total horizontal area within the lot lines of the lot, excluding public or private street right of ways and/or easements dedicated for vehicle access.

**LOT, CORNER:** A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of less than one hundred forty five (145) degrees (see diagram in Section 2.03).

**LOT COVERAGE:** The amount of a lot stated in terms of percentage that is covered by all roofed buildings and other structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio-roofs and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences, or swimming pools.

**LOT DEPTH:** The distance between the front and rear lot lines measured in the main direction of the side lot lines.

**LOT, INTERIOR:** A lot other than a corner lot, with only one (1) lot line fronting a street (see diagram in Section 2.03).

**LOT LINE:** For the purpose of this Ordinance, a lot line is the boundary line between two (2) lots or the line between the properties of two (2) different owners and also the line between the lot and boundary of a street or road right of way.

**LOT LINE, FRONT:** In the case of an interior lot, it is the line separating the lot from the street right-of-way. In the case of a corner lot, the front lot line shall be the boundary line of the lot immediately adjacent to the street right-of-way on that side of the lot that has the narrowest street frontage. In the case of a waterfront lot, the line adjacent to the water shall be the front lot line.

**LOT LINE, REAR:** A lot line which is opposite and most distant from the front lot line and, in the case of an irregularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE:** Any boundary line not a front lot line or a rear lot line.

**LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the County Register of Deeds at the time this Ordinance is passed.

**LOT, THROUGH:** A lot other than a corner lot, having frontage on more than one (1) street. If front lot line is questionable, determination shall be made by ZBA.(see diagram in Section 2.03).

**LOT WIDTH:** The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**LOT, ZONING:** A single tract of land which 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, and is under single ownership and control. A Zoning Lot may or may not coincide with a lot of record as filed with the County Register of Deeds and may include one or more lots of record.

**MANUFACTURED HOME:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974) as amended (HUD Code), is transportable in one or more sections, and may be built on a permanent chassis which does not have hitch, axles, or wheels permanently attached to the body frame. May also be referred to as a mobile home.

**MANUFACTURED HOME SITE:** A plot of ground within a manufactured housing development designed for the accommodation of one (1) manufactured home.

**MANUFACTURED HOUSING DEVELOPMENT:** A parcel of land that has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use. Such developments shall be licensed by the Michigan Department of Public Health. May also be referred to as a mobile home park.

**MANUFACTURED HOUSING SUBDIVISION:** A platted subdivision with privately owned lots for individual permanently located mobile or manufactured homes.

**MIXED OCCUPANCE:** A dwelling, located to the rear or attached to a commercial building, occupied by the commercial enterprise's personnel only.

**MOBILE HOME:** See Manufactured Home.

**MOBILE HOME PARK:** See Manufactured Housing Development.

**MOTEL:** Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade.

**MUNICIPAL CIVIL INFRACTION:** The term "Municipal Civil Infraction" means an act or omission that is prohibited by the Grayling Township Zoning Ordinance or the Grayling Township Municipal Civil Infractions Ordinance, but which is not a crime under this Ordinance or any other County ordinance, and for which civil sanctions, including fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser offense of a violation of the Grayling Township Zoning Ordinance that is a criminal offense.

**NONCONFORMING STRUCTURE OR BUILDING:** A structure or building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the applicable setbacks, area, height, size and similar dimensional provisions of the Ordinance.

**NONCONFORMING USE:** Any use, whether a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.

**OCCUPANCY:** Being present in any manner or form, including the meaning of intent, design, or arrangement for the use or inhabitation of.

**OFF STREET PARKING:** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.

**OPEN SPACE:** Land not used for any of the following: parking and loading spaces, road right-of-ways, building coverage, sewage disposal areas, water well houses, and related uses. Includes bufferyards.

**ORDINANCE:** The Grayling Township Zoning Ordinance.

**ORDINARY HIGH WATER LINE:** Is defined as in Part 301 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, to mean the line between upland and bottomland which persists through successive changes in water levels, 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 soil and the vegetation.

**OWNER:** A person holding any legal, equitable, option or contract interest in land.

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

**PARKING SPACE:** A defined area (See Section 4.01) exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

**PERMIT, BUILDING:** Authorization granted by the building official to erect, alter, enlarge, or relocate a structure.

**PERSONS:** "Persons" includes not only an individual, but a firm, corporation, association, partnership, limited liability company or any other legal entity.

**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.

**PLANNED UNIT DEVELOPMENT (PUD):** Land under unified control which allows a 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.

**PLANNING COMMISSION:** The Grayling Township Planning Commission.

**POLLUTING MATERIALS:** Materials which are capable of adversely affecting soil, air or water resources by altering odor, taste, color, or physical or chemical composition to a degree that public health or biological communities are threatened. Examples of Polluting Materials include fertilizers and pesticides.

**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.

**PRACTICAL DIFFICULTY:** A situation whereby a property owner cannot establish a "minimum practical" legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owner's desire to establish a use greater than the "minimum practical" standard to enhance economic gain

greater than associated with the minimum practical standard or created by an owner subsequent to the adoption of the Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining "Practical Difficulty".

**PRINCIPAL OR MAIN USE:** The primary or predominant use of the premises.

**PRIVATE DRIVEWAY:** A privately owned and maintained property, which is used for vehicular access serving less than three (3) principal buildings, lots or parcels.

**PRIVATE ROAD:** A way or means of approach, which provides direct access to three (3) or more principal buildings, lots or parcels, and which is constructed and maintained by the proprietors and is not dedicated for general public use.

**PUBLIC UTILITY:** Any person, firm, corporation, municipal department, or board fully authorized to furnish electricity, gas, steam, sewage disposal, telephone, cable television, transportation or water to the public.

**RECREATIONAL VEHICLE:** 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, fifth wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a manufactured home and shall be subject to all regulations of this Ordinance applicable to a manufactured home.

**RECREATIONAL VEHICLE PARK:** Any site, lot, field or tract upon which one (1) or more occupied travel trailers is harbored, either free of charge or for revenue purposes, including any building, structure, tent, vehicle or enclosure used for, or intended for use as part of the equipment of such recreational vehicle park; which site, lot, field or tract shall be licensed and regulated by the Michigan Department of Public Health. May also be referred to as a campground.

**RETAIL BUSINESS:** A commercial enterprise, which sells commodities or goods in small quantities to the ultimate consumer.

**RIGHT-OF-WAY:** A street, alley or other roadway or easement permanently established for passage of persons or vehicles.

**ROOMING HOUSE:** See Boarding House.

**RUN-OFF:** Water from rain or melting snow that flows over the surface of the ground and eventually draws into nearby water bodies.

**SALVAGE YARD:** A location where new or used materials, including waste, surplus, discarded or salvaged parts thereof are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, also including house wrecking and structural steel materials and equipment.

**SETBACK:** The minimum distance by which any building or structure must be separated from the lot lines, roadways, or from other buildings or uses. For the purposes of administration of this Ordinance, building setbacks shall be measured from the building drip line.

**SITE CONDOMINIMUM PROJECT:** A plan or project consisting of not less than two (2) single-family dwelling units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.

**SITE PLAN:** A scale drawing which shows the location and dimensions of improvements upon a parcel of land, including but not limited to location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems and drainage facilities, and environmental features.

**SPECIAL USE PERMIT:** Approval by the Planning Commission of a use of land in a zoning district that is not antagonistic to other land uses in the district, providing such use is listed in this Ordinance as a special use for the zoning district in question and the use meets all applicable Ordinance standards and requirements.

**STORY:** That portion of a building included between the surface of any floor and 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, and exclusive of any mezzanine, balcony or basement (see diagram in Section 2.03).

**STORY, HALF:** That portion of a building between the eaves and ridge lines of a pitched roof, which may be used for living space.

**STREET:** A public or private thoroughfare, which affords the principal means of access to abutting property.

**STREET LINE:** A dividing line between the lot and the right of way of the contiguous street.

**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 signs, billboards, fences and the like.

**TOWNSHIP BOARD:** Grayling Township Board.

**TRANSITIONAL YARD:** A yard that must be provided on a lot where a more intensive land use is located adjacent to either an existing or planned use of a less intensive nature. Its intent is to act as a buffer zone, enabling adjacent uses to be developed so that they are compatible with one another.

**TRANSMISSION AND COMMUNICATION TOWERS AND FACILITIES:** Includes transmitters, antenna structures, towers and supporting structures for all classes of communications services, including but not limited to, AM, FM, CATV, microwave, TV, VHF, cellular telephone and the like. 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 preempt municipal regulatory authority.

**UNNECESSARY HARDSHIP:** A situation whereby a property owner, due to conditions of a lot or parcel, cannot use said lot or parcel for any legal use allowed by the Zoning Ordinance within the district which the lot is located. Situations occurring due to the owner's desire to establish an

alternate use when allowed use options are available or due to situations created by an owner subsequent to the enactment of the Ordinance shall not be deemed an Unnecessary Hardship. The Zoning Board of Appeals is responsible for determining "Unnecessary Hardship".

**USE, PERMITTED:** A use by right, which is specifically authorized in a particular zoning district.

**VARIANCE:** A modification of the literal provisions of the Zoning Ordinance, which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause either an unnecessary hardship or practical difficulty.

**VEHICLE 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.

**VEHICLE SALES:** An authorized and/or licensed dealership for the sale of new and/or used vehicles, trucks or trailers inoperable condition with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of new and/or used vehicles such as minor repairing, servicing, and restoring, shall be performed within completely enclosed facilities.

**YARD:** An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure (see diagram in Section 2.03).

**YARD, FRONT:** A yard extending across the front of the lot between the side lot lines and measured between the front line of the lot and the nearest point of the building (see diagram in Section 2.03).

**YARD, REAR:** A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On the corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the Rear Yard shall in all cases be at the opposite end of the lot from the front yard (see diagram in Section 2.03).

**YARD, SIDE:** A yard between the side lot line and the nearest side line of the building and extending from the rear line of the building to the front line of the building (see diagram in Section 2.03).

**ZONING ADMINISTRATOR:** The administrator of this Ordinance, appointed by the Township Board.

**ZONING BOARD OF APPEALS:** The Grayling Township Zoning Board of Appeals, whose duties and powers are detailed in Article XXIII.

## **SECTION 2.03 – DIAGRAMS**

Diagrams of the following are on the next four pages:

Basement & Story

Floor Area

Lots – Interior, Through, and Corner

Yards