

ARTICLE 14---DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. Words used in the present tense include the future tense. The singular includes the plural. The word "shall" is mandatory, the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

14.01 Accessory Use or Structures

A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

14.02 Alteration, Structural

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

14.03 Automobile Trailer

(See mobile home definitions, Section 15.17)

14.04 Billboards, and/or Signs

14.04-1 Billboards, Advertising Device or Structure

Any structure or portion thereof situated on private and leased premises on which lettered, figured or pictorial matter is displayed for advertising purposes.

14.04-2 Business Sign

Any structure or portion thereof situated on private and leased premises on which lettered, figured or pictorial matter is displayed for advertising purposes, with the name and occupation of the user of the premises, or the nature of the business conducted thereon, or the products primarily sold or manufactured, processed or fabricated thereon.

14.04-3 Real Estate Sign

Any structure or portion thereof used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

14.04-4 Identifying Sign

The term "identifying sign" shall mean a sign on the premises which serves only

to tell the name or use of any public or semi-public building or recreation space, club, lodge, church or institution, or which serves only to tell the name or address of an apartment house, hotel or motel, or which serves only to inform the public as to the use of a lawful parking lot.

14.04-5 Name Plate

The term "name plate" shall mean a sign affixed flat against the wall of the building which serves solely to designate the name or the name and professional or business occupation of person or persons occupying the building.

14.05 Building

Any structure intended for the shelter, housing or enclosure of person, animals or chattel.

14.06 Building, Habitable

The term "habitable building" shall mean any structure where persons reside, are employed or congregate.

14.07 Concentrated Animal Feeding Operation

A concentrated feeding operation means an animal feeding operation where the following conditions are met:

- A. Animals (other than aquatic animals) have been, are, or can be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and;
- B. Crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
- C. More than the number of animals specified in any of the following categories are confined;
 - 1. 1,000 slaughter or feeder cattle
 - 2. 700 mature dairy cattle (whether in milk or dry)
 - 3. 2,500 swine
 - 4. 500 horses
 - 5. 10,000 sheep or lambs

6. 55,000 turkeys
7. 100,000 laying hens or broilers
8. 5,000 ducks
9. 1,000 animal units

14.08 District Zoning

A part or parts of the unincorporated area of Tompkins Township for which zoning regulations are prescribed.

14.09 Dwelling

Any building or portion thereof, which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily by one or more families.

14.09-1 Dwelling, Single Family

A detached residence designed for and occupied by one family only with housekeeping and cooking facilities, complying with the following standards:

- a. It shall have a living area of not less than 925 sq. feet and shall be no less than 14 feet in its shortest dimension. Garage space, whether in an attached or detached garage, shall not be considered part of the living area of a dwelling.
- b. It is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- c. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- d. The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the

original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- e. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in the ordinances of the Township pertaining to such parks.

14.09-2 Dwelling, Two-family

A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each and minimum size, per family, as defined in Section 15.09-1

14.09-3 Dwelling, Multiple Family

A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each and minimum size, per family, as defined in Section 15.09-1.

14.10 Camp or Travel Trailer

Any portable or mobile vehicle designed as a temporary dwelling unit and used for such purpose by the owner or lessee when traveling.

14.11 Erected

It shall mean built, constructed, reconstructed, moved upon or any physical operations on the land required for the building or structure.

14.12 Fabrication

Fabrication means the stamping, cutting, or otherwise shaping and assembling the processed materials into useful objects.

14.13 Farm

Any parcel of land containing not less than three (3) acres which is used for gain in the raising of agricultural products, livestock, poultry and bees. It includes the necessary farm structures, and the storage of equipment used.

14.14 Home Occupation

"Occupation" in this Ordinance refers to designated incidental economic enterprises which may be permitted (in specified districts) provided the limitations set forth are observed.

14.15 Junk Yard

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.

14.16 Kennel

A kennel shall be construed as an establishment wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, or kept as domestic pets or as a hobby.

14.17 Lot

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such building and accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on a public street.

14.17-1 Corner Lot

Defined as a lot located at the intersection of two or more improved public streets.

14.17-2 Lot Frontage

The front of a lot shall be construed to be the portion nearest the street, except in case of lots bordering a lake the portion abutting the lake shall be considered the front of a lot.

14.17-3 Lot of Record

A lot which is part of a subdivision recorded in the office of the County Register

of Deeds or a lot or parcel described by metes and bounds, the description of which has been so recorded.

14.18 Mobile Homes

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

14.18a Mobile Home Park

A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

14.19 Non-Conforming Use

A structure or land lawfully occupied by a use that does not conform to the regulation of the District in which it is situated.

14.20 Parking Spaces

The area required for parking one (1) automotive vehicle, which in this Ordinance is held to be an area ten (10) feet wide and eighteen (18) feet long, not including passageways.

14.21 Premise

The term "premise" shall mean any tract of land containing an habitable building.

14.21.a Recreational Vehicle

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. This term includes motor homes and travel trailers.

14.22 Right-of-Way Line, Highways

A line which is the joint boundary between a lot and the street or highway. A four (4) rod right-of-way shall be used for computing width of streets or highways, unless an otherwise width has been established.

14.23 Roadside Market Stand

A structure (whether enclosed or otherwise), placed or designed for the sale of those products primarily produced on the premises on which the structure is located. Such structure may be used for the selling of products produced elsewhere, provided such type of use does not become the principal use.

14.24 Sewage

Sewage shall mean the liquid wastes from habitable buildings, and shall include human excreta and wastes from sinks, lavatory, bathtub, shower and laundry, and any other water carrying wastes of organic or inorganic nature excluding roof, footing and storm drainage, either singly or any combination thereof.

14.25 Structure

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs, and billboards and swimming pools.

14.26 Use, Conditional

A use, permitted in certain zoning districts, of such a nature that the public and the Planning Commission has reserved the right to approve its exact location, subject to conditions stated in the Ordinance and to any special conditions imposed by the planning Commission to protect the Use by Right of other properties in the neighborhood or the district in which it may be located.

14.27 Variance

A variance is defined as a modification of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for area and size of structure or size of yards or open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

14.28 Yard

A required open space unoccupied and unobstructed by any structure or portion thereof, provided however, that fences, walls, garages, parking and loading space may be permitted subject to limitations as indicated in Articles 4 and 7.

14.28-1 Yard, Front

An open space extending the full width of the lot between the front part of the building and the front lot line.

14.28-2 Yard, Side

An open space except as hereinafter specified extending from the rear lot line of the required front yard to the rear lot line between the building and side lot line

14.28-3 Yard, Rear

An open space, except as hereinafter specified, extending across the rear of the lot between the inner side yard lines and between the building and the rear lot line.

14.29 Certificate of Compliance

A written form issued by the Building Inspector authorizing buildings, structures, or uses consistent with the requirements of the zoning district in which they may be located.