

2.1 Definitions

Abutting (lot or parcel)

A lot or parcel that shares a common border with the subject lot or parcel.

Access Management (access control)

A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to Property, Reasonable

A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operations.

Accessory Building

A freestanding building that is located on the same lot on which a principal use or principal building is located, and that is devoted to and occupied by a use that is incidental and subordinate to the principal use. Examples of accessory buildings include, but are not limited to, detached residential garages and sheds, boat houses, snowmobile sheds, greenhouses, guard or gate houses, and barns.

Accessory Structure

A freestanding structure that is located on the same lot on which a principal use or principal building is located, and that is devoted to a use that is incidental and subordinate to the principal use. Examples of accessory structures include, but are not limited to, dish and other types of antennae, fences and walls, freestanding lighting fixtures, silos and other agricultural structures, and residential swimming pools.

Accessory Use

A use of land that is customarily incidental and subordinate to the principal use of a lot, and that is located on the same lot on which that principal use is located.

Adjacent (lot or parcel)

A lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

Adult Entertainment Business

Any business, club, or other organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined elsewhere by this Ordinance, either in person or by photograph, motion picture, television, or other type of image.

Adult Foster Care Home

See "Foster Care Home."

Agriculture

Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

Alteration

Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

Animal, Wild

Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

Basement

That portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling (See Figure 1).

Bed and Breakfast Establishment

A use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment.

Berm

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Billboard

An outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

Blight is defined and includes any, each, and all of the following:

- a. **Blighted Structure** includes, without limitation, any dwelling, garage or outbuilding, warehouse, or any other structure or part of a structure, which because of deterioration, damage (including damage by fire), demolition or partial demolition when the demolition is not carried out within a reasonable period of time, is no longer habitable as a dwelling, nor useful for the purpose for which it may have been intended, or has uncovered openings which may provide for unrestrained access to the structure.
- b. **Junk** includes, without limitation, old or scrap ferrous or non-ferrous materials, rope, rags, batteries, paper, plastic, rubber (including scrap tires), junked, dismantled or wrecked motor vehicles, appliances or other manufactured items, and all other trash or waste materials; and includes unusable trailers and mobile homes not meeting the minimum standards for inhabitation by humans.
- c. **Junked, dismantled, or wrecked motor vehicles** includes any farm machinery or automobiles or other motor vehicle (including boats, boat trailers, snowmobiles or other off-road vehicles) that is not currently licensed as required by state law, is inoperable for the purpose for which it was intended or designated, or which has not been used as originally intended.
- d. **Building materials blight** includes the storage of building materials for a period in excess of 30 days *unless* one of the following conditions is met:

- (1) The materials are stored within a completely enclosed building; or
- (2) The materials are stored within an area enclosed by a solid, obscuring fence, or wall; or
- (3) The materials are otherwise screened from view in a manner found to be suitable by the Enforcement Officer.

Building materials blight **does not** include building materials stored on the site of property for which a valid building permit has been issued by the appropriate building official and where the materials are intended for use in connection with such construction. Building materials include, without limitation, lumber (including pallets and crating), bricks, cinder blocks, plumbing materials, electrical or wiring equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

Board of Appeals

The Hamilton Township Zoning Board of Appeals.

Buffer Zone

A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

Building

Any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses. This shall include tents or vehicles situated on private property and used for purposes of a building.

Building Height

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 2).

Building Line

A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building, Main (also Building, Principal)

A building in which the principal or main use of the lot on which it is situated occurs.

Building Setback Line

A line indicating the minimum distance required to be maintained between a street right-of-way and the nearest supporting member of any structure on the lot.

Certificate of Occupancy

A document issued by the building inspector certifying that the described property has complied with the provisions of the Building Code and may be legally occupied.

Child Care Center (Day Care Center)

A facility, other than a single-family dwelling, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours per day, and where the parents or guardians are

not immediately available to the children. These facilities are also known as day nurseries, nursery schools, parent cooperatives, or preschools.

Church

A building used principally for religious worship, but the word “church” shall not include or mean an undertaker’s chapel or funeral building.

Clinic

An establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

Club

A nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Common Land

A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision or a planned unit development.

Common Open Space

An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

Condominium Act

Michigan Public Act 59 of 1978, as amended.

Condominium Project

Equivalent to “Subdivision” as used in this Ordinance.

Condominium Project, Mobile Home

A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium Setbacks shall be measured as follows:

Front Yard Setback: The distance between the street centerline and the unit site.

Side Yard Setback: The distance between the limits of the development and the side of a unit, or the distance between the sides of any adjacent units.

Rear Yard Setback: The distance between the limit of the development and the rear of the unit, or the distance between the rears of any two adjacent units.

Condominium Subdivision Plan

The site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

Condominium Unit

That portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium Unit Site

The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot”, for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Construction

The building, erection, alteration, repair, renovation, demolition or removal of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

Convenience Store with Gasoline Sales

An establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

Cul-de-sac

A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

Dangerous Building means any building or structure, residential or otherwise, that has any of the following defects or conditions:

- a. Whenever any portion has been damaged by fire, wind, flood, or by other means so that the structural strength or stability is less than the minimum requirements of the State of Michigan Building Code as administered by Clare County.
- b. Whenever any portion, member, or appurtenance is likely to fall or collapse and thereby injure persons or damage property.
- c. Whenever for any reason the building or structure is manifestly unsafe for the purpose for which it is used, as determined by the County Building Official.
- d. Whenever the building or structure has been so damaged or has become so dilapidated that it creates an attractive nuisance to children or other persons who might enter the structure to their danger, or so that it creates a harbor for vagrants or criminals.
- e. Whenever the building or structure is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease when so determined by the County Health Officer.
- f. Whenever any building becomes vacant, dilapidated, and open at door or window so that the interior of the building is left exposed to the elements or accessible to entrance by trespassers.

Deceleration Lane

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Density

The number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments, the overall maximum unit density calculations shall include wetland areas regulated by the State of Michigan and wetland areas not regulated by the State, but shall not include floodplains or surface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

Detention Facility

A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

Development

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Division

See "Land Division".

Drainage Ways and Streams

Existing permanent or intermittent water courses.

Drive through Business

A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

Driveway means an improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, and intended to provide ingress and egress primarily for the occupants.

Dwelling, Multiple Family

A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

Dwelling, Single Family

A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

Dwelling, Two Family

A building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

Dwelling Unit

A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

Dwelling Unit, Attached

A dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling Unit, Detached

A dwelling unit which is not attached to any other dwelling unit by any means.

